MT LEGISLATIVE HISTORY

Chapter 252 1971

Bill H 243 S_____ Original bill & hist. ___C

H. Committee on Environment & Resources

Hearing Date(s) Feb 04 ✓C
Feb 06 ✓C
Feb 08 ✓C
_____ ___C

Date Out Feb 08 ✓C

S. Committee on Natural Resources

Hearing Date(s) Feb 20 ✓C
Feb 22 ✓C
_____ ___C
_____ ___C

Date Out Feb 22 ✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Mr. Bill Hahn, representing the Southwest Mining Association, stated his association was opposed to passage of H.B. 500.

Rep. Fagg stated that the wilderness areas were open to mining and roads and that he felt the rivers should also be protected. He said the testimony presented was in opposition to just one river and the bill would provide protection to 15 rivers. He said one wildlife organization had opposed the bill but there was testimony from 51 other organizations in favor of the bill. He warned if they waited two years to pass similar legislation, the state would be behind what it is now.

Rep. Fagg, Dist. 9, then spoke on H.B. 243. Chairman Lundgren stated the proponents would have 20 minutes, the opponents 20 minutes and time for rebuttal. Rep. Fagg said the proponents of H.B. 243 did not want to see mining stopped but they did want to see recreational use of the land begin. He said the substitute bill before the committee at the present included many compromises to the mining industry and he explained the bill section by section.

Mr. Robert W. Manchester, representing the Minerals and Geology branch of the forest service at Missoula, spoke in support of H.B. 243. His statement is attached as exhibit 1 and becomes a part of the minutes.

Representing the fish and game department, Jim Posewitz supported the bill and his statement appears as exhibit 2 for both House Bills 243 and 244.

Rep. Robert Brown- Dist. 30, read from the Billings Gazette, and spoke in support of H.B. 243. The news article as exhibit 3 shall appear as part of the record.

Rep. Cecil Weeding, Dist. 6, stated land is the backbone of our economy and it is important that land be reclaimed and therefore supported H.B. 243.

Mr. Don Aldrich, representing the Montana Wildlife Federation, supported H.B. 243 and 244 and his statement appears as exhibit 4 and becomes a part of the record.

Mrs Dorothy Eck, representing the League of Women Voters, spoke in support of H.B. 243 and stated that many Leagues in the eastern part of the United States were working for reclamation of land and water which was much more expensive than to prevent the pollution in the first place. She said she hoped that Montana could learn from other states and prevent the same problems.

Mr. William Tomlinson, Missoula, supported the bill. His statement is attached as exhibit 5 and becomes a part of the record.

Mrs. John Cross, representing the American Association of University Women, supported H.B. 243 and her statement is attached as exhibit 6 and becomes a part of the record.

Mr. Elden Smith, Bozeman, appeared in support of H.B. 243. He said Montana cannot escape similar legislation and the sooner adopted, the better it would be for the state. He said he believed this would be the most significant mining legislation this session.

Mr.Stanley M. Lane, president of the Montana Mining Assoc., opposed H.B. 243 and 244 and his statement is attached as exhibit 8 and becomes a part of the record.

Mr. Orlie Wilke, Whitehall, stated that without mining, Montana would not have been and in shutting down mining, it will hurt the small miner, too. He mentioned the young men graduating in geological engineering that would not be able to find employment in the state and would be forced to leave and asked where the state would get money to pay for all of the unemployment claims.

Mr. Seymour S. Bernfeld, attorney for the American Metal Climax, Inc., opposed H.B. 243 and pointed out some of its legal pitfalls. He said state laws could not control federal lands and the state could not dictate to miners mining land owned by private ownership. He said his group has worked long hours in cooperation with the supporters of H.B. 243 and believes they have a substitute bill which the mining industry can live with. He stated they would not know whattheir operating costs would be in restoring the land. and he felt it should have definite cost limitations.

Mr. Russell Chadwick, American Smelting and Refining Co., presented some letters and telegram, which is attached as exhibit 9 B and becomes a part of the record.

Mr. Burr L. Lively, representing Lively's Inc., DBA Lively Mining Co., appeared in opposition to the bill. His statement is attached and becomes a part of the record as exhibit 10.

Mr. William M. Hand, executive secretary for the Southwest Mont Mining Association, appeared in opposition to the proposed legislation. His statement appears as exhibit 11 and becomes a part of the record.

Mr. James W. Anderson, owner of Frontier Laboratory at Melrose, Montana, and mining geologist for the Southwest Montana Mining Association, opposed the bill. His statement is attached and becomes a part of the record as exhibit 12.

Rep. Bradley spoke during the rebuttal time urging support of the bill and stressed that by restoring the land, it would be kept in production.

Rep. Fagg asked that the bill be put in a sub-committee and they would be glad to cooperate in working out amendments to make it acceptable.

Considerable discussion followed concerning the bill.

Mr. Bernfeld stated the restoration required would cost thousands of dollars and in the substitute bill they had tried to work it out in a practical manner. The legal problems had been worked on, he said. Rep. Fagg stated the legislation is based on the laws the state of Washington have adopted, dealing with strip and open pit mining primarily. Mr. Olsen, representing the Anaconda Mining Co., said they had a difference of opinion on the substitute bill and thought they could work out something agreeable to all concerned.

House Bill 244 was explained by Mr. John Carlson..He described the process required at present to stake a claim and stated H.B. 244 would eliminate the requirement for sinking a shaft.

Mr. Russell Chadwick, representing the American Smelting and Refining Company and the Northwest Mining Association, said they favored the bill and the requirement of sinking a shaft served no useful purpose.

Mr. R. G. Garwood, American Exploration and Mining Co., stated he felt H.B. 244 would be a good bill.

Mr. Robert Nelson, consulting mining geologist, opposed H.B. 244 and said that unless some work is required, there would be nothing to prevent someone from staking the whole country.

Mr. Frank Griffin, small mine operator, opposed House Bills 243, 244, 471 and 500 and asked that if H.B. 244 do pass, that it be amended on page 25, line 21, by striking the word "commercial".

Mr. Bill Hahn, Southwest Mining Association, also asked that the word "commercial" be stricken on page 25, line 21 of H.B. 244.

Rep. Fagg, District 9, stated that H.B. 471 was drawn in hopes that H.B. 243 were passed. He said both bills were not intended to hurt any group of people but would be good for Montana, and would be financially feasible. He said the bill would allow the small miner to work without bond.

Mrs. Neva Lydiard, Great Falls, spoke in support of H.B. requiring restoration. Her statement is attached as exhibit 1 and becomes a part of the record.

Mr. Howard Lifely stated the objections they had for H.B. 243 were the same for H.B. 471.

Mr. Norman Rogers, Rogers Mining Co., stated he opposed H.B. 471. He said they would accept H.B. 66 and would like to see the others killed.

February 1, 1971

Representative Conrad F. Lundgren
Chairman, Environment and Resources Committee
State Capitol Building
Helena, Montana

Dear Representative Lundgren:

I am writing to you about H. B. Number 243, The Mining and Exploration Licensing Law.

This law is a highly restrictive and unfair law. For example, Section 3, paragraph 7, states, ""Exploration" shall mean the exploration for a mineral prior to taking or securing a mineral for profit or gain. It shall include any surface digging, shaft mining, augering, dynamiting, trenching or digging in any other manner for claims or findings of minerals, and any roads, accesses or paths made for the purpose of reaching a claim or area to be explored."

Under this law, the geologists, geophysists, or mining engineers cannot chip a rock or dig even a small hole. They cannot drive or even walk (make a path) to an exploration site without a license. However, anyone else, not exploring for minerals, can dig holes, blast, walk, make trails, etc. without violating this law!!! Under this law I cannot take my geology students into the hills for study without securing an exploration license because we would dig for rocks and there might be a possibility of "profit or gain" for someone somewhere along the line.

I firmly believe that persons or companies engaged in exploration work should have the obligation to restore lands which have been torn up by exploration. This law definitely is not the one to promote such action.

I also believe that the geologists or other people working in the minerals industry should not be hamstrung by discriminatory laws of this type. I sincerely hope that your committee considers this law as being unfavorable and kills it in committee.

Respectfully,

Willard E. Cox

Willard E. Cox
College Professor & Certified Professional Geologist
501 W. Granite St.
Butte, Montana

Miles City, Mt.
Jan 31, 1971

Dear Mr Lundgren,

I hope you will vote in favor of the HB 243 the Strip Mining Bill. Piles of dirt aren't very pretty and they contribute to air pollution.

Ruth Dinty
17½ S Strevell
Miles City, Mt.
59301

Dear Conrad,

Please be advised that I emphatically support H.B.s 243, 244, 500, 548. The first two related to mined land reclamation and control of mining exploration are vital as the pressure mounts on Montana's mineral resources H.B.s 500 & 548 are important to preserve what we have left of our un cluttered waterways.

Please give a Do-pass to these bills

Cordially,

Jack Severns

2100 Juniper Ave

Great Falls

310 South Taylor
Glendive, Montana
February 1, 1971

Mr. Conrad Lundgren, Chairman
Environment and Resources Committee
House of Representatives
Helena, Montana

Dear Sir:

Because of the great importance of strip-mining to Eastern Montana, I would urge you and your committee to work for and give your support to H.B. 243.

I also appeal for your support of H.B. 33 on Protection of Montana Environment.

Keep up the good work.

Sincerely,

Leone R. Langemo

Leone R. Langemo

1204 - 5 Ave. North
Great Falls, Mont. 59401
Feb. 2, 1971

Rep. Conrad F. Lundgren, Chairman
Environment & Resources Committee
State Capitol Bldg.
Helena, Montana 59601

Dear Representative Lundgren:

It is probably apparent to members of the Legislature that the public is taking more than the ordinary interest in its activities at this session. A great deal of that interest is centered around environmental issues. I am giving below some of the bills which I feel should pass, as well as one or two which I oppose.

I am in favor of HBs 243 and 244, the mined lands reclamation bills. A good question was asked about why copper and two or three other metals were not included in this type of legislation. No one really needs to answer this question because everyone knows the answer - Anaconda Mining Co. A piece in the latest issue of Readers' Digest entitled Bad Scene at Mike Horse Mine should convince anyone that this legislation is needed and needed now if we are to prevent future Berkley Pits and lesser atrocities. I would like to see HB 33 pass, though I preferred it in its original form; but it is still a step in the right direction. There is also legislation called the Landowners' Notification Act which would afford protection to landowners against mining activities. I'm sorry I can't identify this more closely but I have misplaced my clipping on it. I feel it should pass.

Other legislation about which I am concerned is still in the Senate but I want you to know my views on it. I strongly oppose SB 298, the "dump-Dunkle" bill. Frank Dunkle is a valuable public employe and we should keep him even if the Fish & Game Commission does resign enmasse. I also oppose the fluoridation bill, SB 18. Fluoride is a major environmental pollutant. Fluoridation can only increase that pollution. I like Senator Harry Mitchell's Pure Stream Bill and SB ~~178~~ 128, Senator am's ~~XXXXXX~~ pesticide control bill. I'm not in favor of giving administration of ~~pesticides~~ pesticide control to the Dept. of Agriculture. It is this Dept. which has promoted pesticides and brought us to the situation where we now are with regard to them.

It has been instructive to read in the press the reasons put forward by industry both large and small as to why returnable containers will not help the litter problem, why pesticides need not be controlled, why SB 100 will set water development back to the turn of the century, and so on and on. Obviously everyone is in favor of environmental improvement as long as they are not personally called upon to do anything about it.

Most sincerely,

Gladys L. Hyde

Gladys L. Hyde

February 3,1971

Rep. Lundgren, Chrm.
House Environment and Resources Committee
State Capitol
Helena, Montana

Dear Rep. Lundgren,

This letter is in support of HB 243, a bill which proposes legislation restricting irresponsible prospecting and mining in Montana.

This bill comes none too soon as you well know if you have done any tramping around in certain areas of Montana.

My husband and I consider this bill to be very definitely in the best interest of the quality of the environment in Montana now and in the future of both private and public lands, and we urge your suuport of this bill.

cc: Groff
Nichols
Fitzgarrald

Sincerely,
Doris Milner

Mrs. Kelsey Milner
Rt 1,Box 1410
Hamilton,Montana 59840

I have had the opportunity to study Senate Bills 70 and 79 also HB 243. I believe any of these bills with revisions could be adequate; However in my opinion SB 70 is the most desirable. I will suggest changes in this bill that seem very important to me.

It should stipulate that this land be reclaimed to its former productivity. That water discovered be developed to its best use.

The clause that provides for state appraisal of the reclamation work and payment to the Coal Companies for one half of this ~~appraisal~~ should be eliminated.

Some land now being Core drilled has several seams of Coal whose total depth exceeds 60 feet. Reclamation Costs from other states and estimates mentioned here, as Compared to the on Car price of Coal at Colstrip, indicate that a few inches of that Coal would pay for the surface reclamation.

I trust you will give a reclamation bill your full Consideration.

Sincerely

Walter Hope

Big Horn Mont
Feb 3, 1971

Representative Conrad Lundgren
Helena Mont

Dear Sir

I live 40 miles west of Colstrip Mont. at this time the federal owned coal on my place is under lease and from all indications development will start in this area within a few years. I am very interested in strip mine reclamation.

I have had the opportunity to view the Colstrip spoil banks many times. This was once productive land, it is now a waste land. In its present condition it can make no further contribution to the local or state economy. Of course the coal from this land has given a temporary boost to our economy; but when the coal is gone we are worse off than we were before.

The coal development up till now has barely scratched the surface compared to what we are going to see from now on. For this session of the legislature to close without an adequate strip mine reclamation law being passed would be a tragedy.

Lindsay, Montana
Jan. 30, 1971

Conrad F. Lundgren, Chrm.
Environment and Resources
House of Representatives
Helena, Mont.

Dear Mr. Lundgren and Committee members:

There is H.B. 243 on Mining that I wish to endorse. It is a better bill than H.B. 70 and so I want to be counted as working toward saving our Montana landscape. I am a rancher's wife and I realize once disturbed, it is necessary to restore our native grass and trees.

Yours truly,

Marguerite Gibson
(Mrs. Don)
Lindsay, Montana
59339

Dear Sir: Your committee has before it - several Bills which I feel are effective responses to our environmental problems - HB 33, 182 & 243 are responsible & effective measures. I urge your support.

Thank-you
Nancy Fitz
Missoula,

Dear Sir,

Please vote for HB 243 & HB 244. We are very concerned by the possible devastation from mining.

We also urge you to vote for HB 182 and include Rock Creek.

Mr & Mrs W. D. McCabe Jr
629 Keith Dr
Missoula, Mon.

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please support H.B. 243 - this bill insures reclamation of mining sites as applied by the Council on Natural Resources, and it requires a performance bond for reclamation. Both are essential for environmental protection.

Charlotte Coester (Mrs. Robt. B.)
1600 - 39th Missoula

Lewistown, Montana
Jan. 20, 1971

The Honorable Conrad Lundgren
House of Representatives
State Capitol Bldg.
Helena, Montana 59601

Dear Mr. Lundgren:

For the past two years, the American Association of University Women has been particularly interested in measures which would preserve a good environment for our state.

From what I have been able to learn, H.B. #243 seems to be a good and reasonable bill. I should like to see it acted on favorably.

Very sincerely,

Nancy Catlin

Mrs. Clifford Catlin
Member, AAUW
Box 983
Lewistown, Montana

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

BOZEMAN BRANCH BOZEMAN, MONTANA

January 22, 1971

The Honorable Conrad F. Lundgren
Chairman, House Committee on Environment & Resources
Capital Building
Helena, Montana 59601

Dear Sir:

A recent editorial in the New York Times advocating that coal mining by the strip mining method be made illegal, emphasizes again the urgent need for adequate mining reclamation legislation. I urge that you seriously consider House Bill 243 sponsored by Representative Harrison Fagg. Although there are two other mining bills in the Senate, I feel House Bill 243, covering all mining is the best possible bill. Although I am not aware that it acknowledges that there is an alternative way to mine coal other than by the strip mining method.

Senate Bill 70 sponsored by Gordon McGowan will not do anything to protect the Stillwater or Lincoln areas, and once such fragile and vulnerable areas are abused, they are lost to us forever. Yet if they must be mined, which is indeed questionable when one considers the possibilities of recycling, it can be done in a conscientious manner as evidenced by the Amax (American Metals Climax) Company as opposed to the utter disregard of environmental values displayed by the Anaconda Company.

Let's be realistic, as the result of the Environmental Policy Act of 1969, and the instability of foreign sources, mining companies are in no position to threaten Montanans by stating they will go elsewhere. The longer the minerals stay in the ground the more valuable they become, both economically and socially.

Please consider the effects of irresponsible mining on future generations. Isn't it time to reconsider where we are going? To quote economist Dr. Kenneth Boulding, "there is a great deal of historical evidence to suggest that a society which loses its identity with posterity and which loses its positive image of the future loses its capacity to deal with present problems, and soon falls apart."

Sincerely,

Patsy Lee Culver

Patsy Lee Culver

c/c to members House Committee on Environment & Resources

Billings Branch American Association of University Women
Billings, Montana

1920 Patricia Lane
January 24, 1971

The Honorable Conrad Lundgren
Chairman, Environment and Resources Committee
Montana House of Representatives
Helena, Montana 59601

Dear Representative Lundgren,

On behalf of Billings Branch of the American Association of University Women (AAUW), an organization of two hundred (200) members, I am writing in support of House Bill 243. We support this bill in preference to the two Senate bills (70 & 79) because it is the most comprehensive.

Our members are most anxious for this legislature to pass adequate mining laws which would prevent the desecration of the environment.

Sincerely,

Dorathy V. Kendall

Dorathy V. Kendall (Mrs. Owen)
President

Box 1388
Glendive, Mont.
January 21, 1971

Conrad F. Lundgren, Chairman
Environment and Resources
House of Representatives
Helena, Mont.

Dear Mr. Lundgren and Committee members:

H B 243 on Mining and Reclamation as described in the Billings Gazette, Jan. 19, is, in my opinion, preferable to either of the Senate Bills (70 and 79). I hope that your committee will recommend its passage without watering down amendments.

For more than two years I have studied and read about strip mining and its effect on the land. Attitudes of the mining industry in Montana underline the urgency of courageous legislative action for mandatory reclamation laws.

I am enclosing two reprints of recent items from the New York Times -- both dealing with strip mining. Please take a few minutes to read them. Because strip mining causes such utter devastation, the Secretary of State in West Virginia, J. D. Rockefeller IV, is seeking to outlaw it entrely in that state. Other articles about the accelerated strip mining in Ohio say Ohio's laws governing it are absolutely worthless. Montana is in the same position.

However, I am greatly encouragedthat H B 243 was introduced with names of so many sponsors. Perhaps Montana will be spared the fate of Appalachia.

Sincerely yours,
Louise Cross
Mrs. J. M. Cross

Cc: committee members

January 23, 1971

To: Rep. Conrad Lundgren
Re: HB 243

Dear Sir:

We are FOR HB 243

Please vote yes.

Very truly yours,
Mr. & Mrs. E. James Bronson
611 16th ST
Havre, Mont.

2214 Beech Drive
Great Falls, Montana
January 20, 1971

Representative Conrad F. Lundgren, Chairman
Environmental and Resource Committee
Helena , Montana

Dear Mr. Lundgren,

Members of the American Association of University Women are vitally interested in a good firm bill on reclamation of land resulting from strip mining and solicit your support of H.B. 243 .

Present laws are not strong enough to provide adequate land protection and with the prospect of increased mining in our state, let's prepare a law NOW to protect our agricultural, hunting and recreational lands. We would like to see industry and ecology a true workable combination.

Thank you for any help you can give us with this bill.

Sincerely,

Joanne Marshall

Mrs. Adam Marshall
Le gislative chairman
American Association of University Women

Jan. 22, 1971

Dear sir:

Because I feel very strongly that the environment needs protection from invasions of industry, I urge you to support H.B. 243 on mining reclamation. It is too late for anything less to be effective.

I understand that New York is trying to pass a bill to outlaw any open pit mining. Here at Glendive we see two full trainloads of coal go east every day, and we have flown over the vast desolated area they leave. Believe me, it will be good for absolutely nothing for at least 50 years. We are losing our natural resources for a pittance.

Sincerely,
Nell Kubesh

Mrs. John Kubesh
329 W. Ames,
Glendive, Mont. 59330

STATEMENT FOR PRESENTATION TO THE

HOUSE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

February 4, 1970
By
James A. Posewitz

In January of 1970 the Montana Fish and Game Commission adopted a Natural Resource Development Policy which in part reads,

"The Fish and Game Commission supports the surface mining for coal and bentonite, the dredge mining for gold and the drilling for oil when that development is accompanied by mandatory reclamation dedicated to restoring the surface of the land to the highest possible level of productivity. To this end the Montana Fish and Game Commission will work cooperatively with any and all companies to insure that new developing mineral and oil extraction complexes are planned to have the least possible disruption of an area's present fish and wildlife ecology and that this development be designed to insure the maintenance of the highest environmental quality technologically possible. Recognizing the complete lack of environmental protection now associated with ~~present~~ some mineral and oil exploration and mining claim maintenance procedures, the Fish and Game Commission supports efforts to make mineral exploration, including oil and gas, more compatible with environmental quality maintenance."

Some of the provisions in the ~~The~~ bills being considered by this committee would definitely assist us in carrying out this policy. Several key species of wildlife that we are responsible for managing appear to require a wilderness or semi-wilderness environment. To maintain these species we must maintain the habitat or environment that sustains them. Maintaining this environment does not necessarily exclude other uses, but it does require that other uses show consideration, and in some cases make concessions to prevent unnecessary destruction, and in all cases to reclaim areas disturbed and then abandoned.

Of particular concern in current management of wilderness-oriented species of fish and wildlife is roading of previously unroaded areas. We are making progress in controlling this roading as it is related to logging in negotiations with the United States Forest Service. Any legislation that would assist us in making similar progress with the mineral industry, particularly as it pertains to mineral exploration activities would certainly help us meet our management responsibilities.

Box 1388
Glendive, Mont.
Feb. 1, 1971

Hon. Conrad F. Lundgren
Chairman, Environment & Resources
House of Representatives
Helena, Mont.

Dear Mr. Lundgren:

I have been informed that the hearing on H. B. 243 is scheduled for Thursday, Feb. 4, when the House adjourns for the day. If I can make arrangements, I plan to be in Helena for this hearing. I would like to testify in behalf of the bill.

Please advise as to procedure, if necessary; you may phone me collect if there is information I should know before I leave Glendive. (365-4123).

Sincerely yours,

Louise Cross

Mrs. J. M. Cross

Cc:G. Darrow, Vice-Chmn.
H. G. Fagg
Dorothy Bradley

602 S. Sargent
Glendive, Montana
January 30, 1971.

Conrad F. Lundgren, Chairman
Environment and Resources
House of Representatives
Helena, Montana.

Gentlemen:

We strongly urge the passage of H.B. 243 on mining and reclamation and H.B. 85 on water pollution control.

Yours very truly,
Mr & Mrs Ole Flekkerud

617 S. Strevell
Miles City, Mt. 59301
January 21, 1971

The Honorable Conrad F. Lundgren
Environment and Resources Committee Chairman
Montana House of Representatives
Helena, Mt. 59601

Dear Mr. Lundgren,

I am strongly in favor the House Bill 243 concerning reclamation of strip mined lands and urge your committee to give it a "do pass" recommenation.

If coal mining companies are going to be allowed to spoil our landscapes and destroy the ecology of the land, there has to be a law with strong bite in it to make it mandatory that the land be returned to its natural condition. I urge you to support the bill that would give the greatest protection to the natural environment.

Sincerely,

Barbara Carmichael
(Mrs. J. W.)

CAREYS
BOX 1087
GLENDIVE, MONTANA

January 21, 1971

The Honorable Conrad Sundgren
House of Representatives
Helena, Montana.

Dear Mr. Sundgren:

As a member of AAUW and as a citizen interested in doing something about strip mining now before Montana becomes a wasteland, please do everything possible to get H B 243 passed.

Sincerely yours,
Mrs. Emmett Carey

917 N. 28
Billings, Montana
21 January, 1971

Mr. Conrad Lundgrem, Chairman
Environment nad Resources Committee
Capitol Building,
Helena, Montana

Dear Mr. Lundgren:

The local chapter of the American Association of University Women strongly support HB 243 introuced by Mr. Fagg , believing it to be the strongest bill and in the best interests of Montana.
We hope that you and your committee do your best for the conservation of land and resources. It isn't necessary to feel that natural resources are going out of style and that we must exploit them to the limit now.

"ith best wishes,

Very truly yours,

Ann L. Whitmack

Ann L. "hitmack
This Beleaguered Earth, Chairman

CARROLL COLLEGE
HELENA, MONTANA
59601

February 9,1971

Mr. Conrad Lundgren
House of Representatives
Helena, Montana 59601

Dear Mr. Lundgren,

Every day I get more and more concerned about our careless use of natural resources. I am convinces that many of our mining laws are completely archaic and would urge your real attention to House Bill 243 that you give it a Do Pass recommendation. Perhaps we can act quickly enough to save our beautiful state from the further ravages of present mining practices.

Sincerely,
Dorothy Harper
Mrs. Dorothy Harper

Feb. 8, 1971

The Honorable Conrad F. Lundgren

Dear Representative Lundgren:

I am a truck driver and grew up on a ranch. There is not much of our state that I have not seen . Having also traveled in many other states I know that we in Montana have something special going, plenty of pure air, good water, good fishing and hunting and lots of mountain country left the way God made it. I would like Montana to stay this way. I think you up in the legislature have the resposibility of seeing that we can keep our state this way. So please get busy and give a good word for HB 243 on reclaiming public lands and HB 33 on control of water pollution.

Sincerely,

Tom Charter

1115 Burlington

Billings

Mont.

59102

The Boyd Charters
1115 Burlington
Billings, Mont. 59102

The Honorable Conrad Lundgren

Dear Representative Lundgren:

We are longtime, second generation ranchers, have had many years experience working with the Fish and Game Dept. and Forest Service in Wyoming and have ranched in Mont. for over twenty years. We are fiercly independent, rather intolerant of outside interference and are generally of the philosophy of live and let live. But we do not feel we have the right to abuse the land even if we own it, for we feel it must be kept intact grass, water and pure air for the next generation and the next. We feel this also applies to the public lands and that it is especially the responsibility and obligation of those who govern our counties, states and country not only to see that the present generation is well served, but to insure that there will be something left for tomorrow.

We feel that you not only have the obligation to pass laws that will protect our public lands and natural resources, which include pure air and water, but you also have an obligation to lead us in thinking and doing what is best for the public good. As much as we resent "outside interference" as ranchers, we realize when an individual or company or industry, even when acting within their rights, threaten the public welfare, we must give government the right to exercise controls.

HB243 on reclaiming mined lands and HB 33 ~~on water pollution control~~ have many short comings in our way of looking at it, but they are a beginning and we must make a beginning now, or you must be ready to assume responsibility for the results of uncontroled rape of our lands and have it on your conscience. So we ask you please to support these two bills, in fact do everything in your power to see that they are passed.

Sincerely yours,

Boyd & Anne Charters

DONALD L. PETERS
139 Birchwood Drive
Billings, Montana
59102

February 8, 1971

Rep. Conrad Lundgren
Montana House of Representatives
Helena, Montana

Dear Mr. Lundgren:

Please do your best to insure the passage of HB 243 on Land Reclamation and HB 33 covering pure water.

Most of the other 49 states are already suffering from permissive or non-existent laws in these two areas. Let Montana be a leader in preventing the crime before it is committed.

Sincerely,

Mrs. Donald L. Peters

Mrs. Donald L. Peters

910 Hauser Blvd.
Helena, Mont.
Feb. 8, 1971.

Representative Conrad Lundgren
Capitol Building
Helena, Montana

Dear Sir:

We are in favor of H.B. 243 having to do with restoration of land after it has been mined. We would like your consideration in this matter.

Sincerely,

Mrs. Walter Blenkarn
Walter Blenkarn
Mr. and Mrs. Walter Blenkarn

1302 Walnut
Helena, Mont. 5960
Feb. 7, 1971

Representative Conrad Lundgren
State Capital
Helena, Mont. 59601

Dear Sir,

We feel that it is urgent that House bill #243 is passed this session. Since the young will be voting next election We feel it important that we express our opinion to you.

Montana is truly the loveliest state in our Union. To let it be dug into, and then left to replenish itself at a minimum of a couple thousand years is truly letting man hurt himself, let alone destroying the harmony of our beautiful big sky state.

Your support of HB #243,

is deeply appreciated, and,
I'm sure that if this bill
is not passed, it will leave
its lasting mark on our
Montana.

Sincerely,
Stuart Lyman

Representative Conrad Lundgren
State Capitol
Helena, Montana

Dear Sir:

I would like to express the concern of Montana youth as to the desirability of the passage of House Bill 243, concerning mining reclamation. Please sir, you must realize the avisability of passing this bill. Where else but in Montana remains there a chance to save our environment before its destruction? Let us take advantage of our good fortune and our chance to take precautionary steps. I cannot accept defeat, I cannot accept it that any Montanan will ~~to~~ stand in the way of this bill. As a Christian with a firm belief in the power of prayer, I pray that your eyes and heart will be opened to our plea.

I wish you those blessings which ~~of~~ will give you vision -

Peace and Love,
Sanna Porte

2/7/71

Hon. Conrad Lundgren
State capitol
Helena, Mont. 59601

Dear Sir:

As a future voter and life-long resident of this state, I find that I am behind House Bill 243 100%. The open pit mines are dangerous as well as an eyesore. The small miners dig their little holes to meet requirements of owning a claim and then leave them. Last fall I had the misfortune of twisting my ankle at the edge of a small pit while hunting. I think that this bill would do our state a great deal of

I feel that it would benefit the already beautiful state in which we live. I am in favor of this bill.

sincerely,
Don T Archibald

Rep. Conrad Lundgren
State Capitol
Helena, Montana

Dear Mr. Lundgren,

I am one of many concerned Montanans, a nineteen-year old voter who believes in life; by that I mean man living in harmony with his environment as a member of nature, rather than as a conquerer of it. I would like to think that in future years I could take my children and be able to hike through the few wildernesses left without seeing open pits and strip mines marring their beauty.

Knowing how important mining is to Montana's economy, still I feel environment must take priority over economy, and our attitude on putting industry before nature must be changed if mankind is to live, really live. To this end, I would greatly appreciate your support of House Bill 243 for reclamation-mining. Putting environmental concerns first now is important to us, the upcoming generation, for we are the ones who in the future will have to live with the mistakes made today.

For a post-oil Montana,

Nancy Harper

902 N. PARK
HELENA, MONTANA 59601
FEBRUARY 7, 1971

HON. CONRAD LUNDGREN
STATE CAPITOL
HELENA 59601

DEAR REP. LUNDGREN,

HAVING NOTICED THAT YOU ARE THE CHAIRMAN OF THE ENVIRONMENT AND RESOURCES COMMITTEE, I HAD TO WRITE YOU CONCERNING MY VIEWS ONTHE MOST IMPORTANT BILL, H.B. 243.

BEING ONE OF THE FEW STATES LEFT THAT HAS A RELATIVELY CLEAN ENVIRONMENT, ONE WOULD THINK WE WOULD STRIVE TO PROTECT OUR MOST PRECIOUS POSSESSION. BUT FOR SOME UNKNOWN REASON WE ARE HESITANT TO MOVE IN THE RIGHT DIRECTION FOR ENVIRONMENTAL PROTECTION.

A MAJOR STEP IN THIS ENVIRONMENTAL PROTECTION IS THE PASSAGE OF HB 243 WHICH PROVIDES FOR THE RECLAMATION OF THE LAND THAT IS MINED, OFTEN WANTONLY.

I HOPE YOU WILL DO YOUR UTMOST TO PROVIDE FOR THIS BILL'S PASSAGE.

FOR MONTANA'S SAKE, PLEASE SUPPORT BILL 243 AND ENCOURAGE YOUR FELLOW REPRESENTATIVES TO DO SO ALSO. AN ALREADY WOUNDED MONTANA WILL BE GIVEN THE DEATH BLOW IF THIS BILL FAILS.

PLEASE....

FOR A PROTECTED MONTANA,
SINCERELY YOURS,

PAUL T. RICHARDS

1818 North Main St.
Helena, Montana 59601
February 7, 1971

Representative Conrad Lundgren
State Capitol
Helena, Montana 59601

Dear Sir:

As one of many concerned young people, I would like to express my views on House Bill 243. We feel that it is very important that this bill be passed.

Montana is one of the most gorgeous states in the nation and to destroy it needlessly is destroying our future. The preservation of our land is of the utmost importance. It is not up to man to destroy the land we now have. I would like for my children to be able to see it as it is now and not in complete ruins.

By not supporting this bill, you are hurting only the future of yourself and all of mankind. As a voter in the upcoming election,

I urge you to support this bill.

Sincerely,
Sandy Hodgson

Box 1066
Glendive, Mont.
Feb. 4, 1971

Rep. Conrad Lundgren
~~State~~ Capital
Helena, Mont.

Dear Rep. Lundgren:

We urge you to continue pushing environmental protection bills, great as the opposition is. We particularly support H.B. 243 on strip mining licensing, etc. The importance & need for this cannot be over-emphasized.

Thank you for taking time to read this!

Sincerely
Mr. & Mrs. Ken McGovern

Support of M.B. 243

Mrs. Louis Hulbert
2421 Custer Avenue
Billings, Montana 59102

February 8, 1971

Representative Conrad Lundgren
Montana House of Representatives
Helena, Montana

Dear Representative Lundgren:

I am writing to let you know my husband and I fully support Bill #243 as presented by Representative Fagg and we urge its adoption. We can delay no longer in taking measures to protect our state lands from abuse. An example is the unnecessary destruction by mining interests in the Beartooth Mountains which we love.

I also feel the adoption of Bill #33 is urgently needed so we as individuals can do something to protect our enviornment from needless and wasteful practices.

As former New Yorkers, we have seen what happens to land and water when no precautions are taken and do not want the Yellowstone River turned into another Hudson River. It is far more costly to restore than to protect initially.

Sincerely yours,

Barbara M. Hulbert

Ex. 1 47
H.B. 243-244

I come here today as an irate citizen, one of the silent majority who have too long been silent on controversial issues.

Ex. 1-
H B. 471

Man stands at the drossroads of his destiny. A species called man is now at the most critical point in all of earthly evolution. We are bequeathing to our young people dying lakes, land that is reduced in fertility, polluted rivers and streams. The battle lines are formed between those committed to restoration of this ravaged country and those whose allegiance is to private profits and corporate power. Too often in the past our decisions have been short term economic considerations, with no thought to the future. It is now necessary to reorganize our thoughts about life and living on this planet earth.

I do not think it speaks well of mankind that the proposed Environmental Protective Act must be redrafted for fear it would not pass in its original form. I do not think it speaks well of mankind that one of our leading senators, in reference to reclamation of mined land, has said," If all mining is included, the bill will be killed." I do not think it speaks well of mankind when one reads of Senate Bill 298, regarding Frank Dunkle.

I question industry's sincerity in their statements concerning protection of our environment. If they were sincere, we would not be reading headlines such as:

ALL STAR CAST OPPOSES ENVIRONMENTAL ACT

ENVIRONMENT BILL REDRAFTED

SPONSORS ADMIT TOO MUCH OPPOSITION---PESTICIDE BILL EXPECTS SWIFT DEATH

PURE STREAM BILL MEETS OPPOSITION

PROSPECTING SNAG-- DARROW'S PROPOSED LANDOWNER'S NOTIFICATION ACT RUNS INTO OPPOSITION FROM A HANDFUL OF MINING COMPANIES

Industry owes us the cleanest air and the cleanest water that the existing art of pollution control can offer.

We must realize we live on a small round ball that has finite resources. Too often in the past legislative votes have reflected the interests of special interest groups that have run rampant, with no safeguards, over Montana since

its inception. Legislative votes should represent the interests of the people they represent. We must have legislation that will protect Montana and its environment to keep it from becoming another Appalachia. The power of decision is in your hands.

It should be a time to preserve rather than destroy, a time to unite and not accept whitewash for truth, a time to insure the future for all our descendants, a time to preserve those things which man cannot restore nor build again.

Stewart Udall has said, "Scars left by mining are a monument to man's total disregard for his environment." HB243 and HB244 are designed to protect our environment. They do not deter industry. How many remember these headlines and the accompanying articles and pictures?

FOREST SERVICE ALARMED--PROSPECTORS ACTIVE NEAR LINCOLN

ADVANCE WORK MAY RUIN STILLWATER

PROSPECTING NEAR HELENA HAS FORESTERS WORRIED

If industry is sincere in its efforts to protect our environment, these bills should be passed without opposition. With these thought in mind, I strongly urge passage of House Bill 243 and House Bill 244, also passage of other fine environmental bills presented that will safeguard our beautiful state of Montana.

I thank you for the opportunity to appear here today.

Nora Lydard
Trevor Sells

MONTANA BUREAU OF MINES AND GEOLOGY

BUTTE, MONTANA 59701

OFFICE OF THE DIRECTOR

February 1, 1971

To the Chairman, House Committee on Environment and Resources.

Re: Licensing of persons engaged in mining exploration, mining, and related activities; House Bill No. 243.

From: Uuno M. Sahinen, State Geologist, and Director of Montana Bureau of Mines and Geology.

This bill, if passed, would result in an Act that would most effectively kill all exploration for new mineral deposits in Montana if it can be effectively administered; however, I am extremely doubtful that it can be effectively administered, except in the case of the larger more important mining companies, and that would make the bill discriminatory as far as exploration is concerned.

There should be no permit for mining, as we already have a mining license tax which brings in much more tax money than the permit system would.

There are so many things wrong with this bill, but I know that most them will be covered by others so I will confine my statement to just one other brief remark. The State of Montana already requires a permit to prospect on state-owned land. That is all very well, but the Public Domain and the National Forest administered by the Federal Government have always been open to prospecting and exploration without permits, and I do not believe the State has the right to infringe that privilege.

This bill, H.B. 243, should not pass.

cc: Rep. Harold McGrath
Rep. Joe Quilici

Uuno M Sahinen

H. B. 243. 244
Ex. 12
2-4-71

Frontier Laboratory

Analytical Chemists

Ore Analysis

P. O. Box 159
Melrose, Montana 59743
Phone 406-835-2851

February 1, 1971

Chairman
Environmental and Natural Resources Committee
Montana House of Representatives
Helena, Montana 59601

Dear Sir:

I wish to state my opposition to House Bill 243, now under study by your committee. I believe that the provisions of this bill, if implemented, would quickly cause the small mining firms of our state to disappear from the scene. Businesses such as mine, which are at least partially dependent on small mines for support, would also be seriously affected.

I submit that this piece of legislation would result in no noticable improvement in our environment, but would simply add to the snarl of red tape which already threatens the existence of the independent miner. The cost of administering the provisions of this bill would also be a tremendous burden to the State of Montana.

I love the mountains as much as anyone, but it never has bothered me in the least to come across an old mine while hiking. To the contrary, I find them very interesting, and I have noticed that people are attracted to mining regions more often than they are repelled by them.

I agree that the indescriminate building of roads and digging of discovery pits should be stopped, but it is certainly not the independent miner who engages in this type of activity. His effect on the landscape is nothing, compared to the sand and gravel pits which are, interestingly enough, specifically exempted from the provisions of this legislation.

It is time to encourage, rather than discourage, the type of rugged individual who engages in small mining activities. Let's not hang another anvil around his neck.

Very truly yours,

James W. Anderson
Owner

Southwestern Montana Mining Association
Dillon, Montana

EX. 11
HB 243-244
2-4-71

STATEMENT
Submitted to
The 1971 Montana Legislature
Helena, Montana
Opposing
House Bill No. 243

February 4, 1971

With world nationalistic feeling riding at a very high tide, never before has Montana had a greater opportunity to participate in a mining and exploration boom.

Many of us, the small miners and prospectors, have held on having recognized this event was inevitable with the hope of contributing to the development of Montana's great resources.

It is the undisputed conviction of this Association that H.B. 243 eliminates our participation.

The volume, time and cost of the red tape, first in licenses and second in permits ----would not, as the courts have decreed, "Warrant a prudent man to expend his time, effort and money in the hope of discovering a valuable mine." This being the prudent man theory establishing a valid location.

Finding H.B. 243 totally incompatable, we ask this committee to recommend its defeat.

May we add, that knowing the rath of the public, we submit that communications from a sturred and angered citizentry to the perported offenders is a heavy and persuasive implement the "heat"of which few can bear and none can avoid. Legislation, no matter how carefully worded might not be able to serve better.

In conclusion, being first Americans, we commend this committee for the high level of American tradition in which it is researching this matter.

Respectfully submitted,

William M. Hand

William M. Hand, Exec. Sec. S. W. Mont. Mng. Assc

Ex. 10
H.B. 243, 244

NAME Burr L. Lively BILL NO. 243

ADDRESS Melrose, MT 59743 DATE 2-4-71

WHOM DO YOU REPRESENT? Lively's Inc DBA Lively Mining Co

SUPPORT?_____ OPPOSE? X AMEND?_____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

I am opposed to House Bill 243 in its entirety. I fell it is discrimnatory against one class of pepole. I belive the Federal Laws pertaining to mining is adquate and should supersede any state Law. Mining Should be encouraged instead of hindered.

We strongly support the idea of a Governor's Conference Committee similar to that recently chaired by Senator McGowan, to study the unique problems of the metal mining industry in western Montana. We believe such a study would contribute significantly to the development of a mined land reclamation law that would meet the needs of both the public and the metal mining industry within the state.

We appreciate the opportunity to appear before the committee on Environment and Resources to express our views. Thank you.

STATEMENT OF BEAR CREEK MINING COMPANY

To be Presented February 4, 1971 to the
Committee on Environment and Resources of the Montana House of Representatives

Mr. Chairman, my name is ROBERT NEEL. I am SENIOR GEOLOGIST-LANDMAN for the Northwest District office of Bear Creek Mining Company located in Spokane, Washington. The following statement is presented on behalf of Bear Creek Mining Company.

It is in the national tradition that the public lands of this country belong to all the people of the United States. It is in the national interest, and hence the interest of every citizen of the United States, that the public lands policy be responsive to the needs of a growing population and an expanding economy. This will require a constantly increasing supply of minerals. In the past decade, for instance, the free world demand for copper has risen by 30 per cent, and there is every reason to foresee a greater proportionate rise in the next. Our future national security is dependent upon an adequate domestic mineral supply.

Without expert and resourceful exploration, there is no way of discovering what minerals, of what value to the country, lie beneath the surface of our public lands. To assure adequate reserves, steady supply and stable prices for such minerals, a national policy affording the extractive industries maximum opportunity to discover and develop them will be needed. Minimum requirements are the right to search for minerals in the public domain and the protection of the rights of the discoverer.

A balance must be struck between these mineral requirements so vital to the national security and other public land uses. Wherever feasible the public interest is best served by the principal of "multiple use". Where one particular use predominates, compatible uses should be considered. When incompatible uses occur, the use providing the greatest good to the greatest

number for the longest time should prevail. It is also clear that, since a dominant use today may become a secondary one tomorrow, flexibility in policy is highly desirable.

The disposition of public lands in accordance with Congressional directives is and should remain the cornerstone of our public lands policy. However, administrative practices developed over the years vary drastically from the policies established by Congress and in many cases have made remedial acts unworkable. We commend the Congress in adopting legislation establishing a Public Land Law Review Commission to study existing laws and administrative procedures and recommend needed changes in our public land laws.

The system established by the general mining laws for the location and patenting of mining claims has encouraged the development of our mineral resources by private initiative and enterprise sufficiently to warrant its continuance.

No limitation should be placed on the surface use of mining claims which would interfere with their development and operation beyond that necessary in the application of the "multiple use" principle.

Where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success, in developing a valuable mine, the requirements of the mining laws with respect to discovery have been fulfilled.

Exploration of our mineral resources has advanced to the point where most future exploration will be directed primarily at non-outcropping and buried ore bodies. Therefore, appropriate supplementary legislation, in keeping with the principles of the present mining laws, is required to afford reasonable pre-discovery protection to anyone who is seeking a discovery in good faith.

Bear Creek supports the principle of reclamation of explored areas; and fully recognizes the need for environmental protection however, it cannot support House Bill 243 now before the committee.

We believe the bill, as proposed, to be administratively unworkable. For example, Section 8 requires a separate operating permit for each exploration or mining operation. It is estimated conservatively that between 2,000 and 3,000 separate operations of an exploratory nature are undertaken each year within the state and most of these are confined to the summer months. To be able to process within 25 days each application for a permit would require a very large staff of highly trained and competent professionals. In addition, each area of mining or exploration would have to be inspected on an annual basis, a task that would require several dozen more engineers, geologists or mining engineers; to assemble and maintain such a staff would be very difficult.

Further, we estimate that mining companies large and small, together with the individual prospector, spend a minimum of $5,000,000 a year for exploration activities alone not to mention sums many times this figure when a property is brought to the development stage. These dollars are spent in the state and contribute substantially to the economy. A producing mine, the aim of exploration activities, contributes substantially to the tax base of the state.

House Bill 243, as presented to the Legislature, would in our opinion curtail mining exploration activities and would have the subsequent effect of diminishing mining industry operations in the state. Many of the commendable objectives contained in the bill can be achieved by simply changing the location law (50-701, part 3) that is now in force. Alaska, Idaho and Colorado have done so and consequently have eliminated much of the need for such broad legislation as HB 243.

STATEMENT ON MONTANA HOUSE BILL 243

by

R. G. Garwood, Northwest Regional Manager
American Exploration & Mining Co.

BEFORE THE MONTANA HOUSE COMMITTEE ON NATURAL RESOURCES

Mr. Chairman, my name is Robert Garwood. I am Northwest Regional Manager for American Exploration & Mining Co. The following statement is made on behalf of American Exploration & Mining Co. As is evidenced by the fact that we presented a statement at each of the 1969 and 1970 Montana Governor's Conferences on Mined-Land Reclamation, we are vitally concerned with Mined-Land Reclamation legislation in Montana. We own property in Jefferson County and are taxpayers in the State of Montana. We have actively engaged in exploration within the state for the past 13 years and hope that we may be allowed to continue in the state for years to come.

Within the past three years, we have voluntarily reclaimed, or are in the process of reclaiming, lands that we have disturbed within the state. We have cooperated with representatives of the U. S. Forest Service and the work we have completed to date has been done to the satisfaction of the U. S. Forest Service.

We believe that to date, the Governor's Committee is perhaps the most knowledgeable group of legislators on Mined-Land Reclamation. This knowledge stems from their excellent work completed during the past two years. In their wisdom, they have stated that it is extremely difficult to regulate coal mining stripping and metalliferous mining with one piece of legislation. It is their decision, based upon the present needs of Montana, its people and the country, that coal mining legislation is the most immediate need for the state. The Committee has proposed such regulation by Senate Bill 70 which we firmly support. Because of

the difficulty involved in writing legislation to regulate the metalliferous industry, they have wisely suggested that such legislation be deferred for two years to allow adequate study to effectively regulate the industry and still preserve Montana's scenic beauty and prevent unsightly scars of the past. We hope that this recommendation will be considered by this committee and pledge our support to any commission that may be established to study metalliferous Mined-Land Reclamation.

We believe that House Bill 243, as originally written, is a punitive bill towards the mining industry and if passed without substantial amendments would result in almost complete cessation of metalliferous mining exploration in Montana. Without exploration, new mines in the state will not be found. Without exploration, one of the state's leading industries would slowly cease to exist and contributions to the state's economy and tax base would be lost. In addition, in the long term, cessation of exploration will result in a serious metal shortage in the United States. Punitive costs from excessive bonding requirements could result in added costs that would make today's marginal operation uneconomic. I refer not to the cost of reclamation but to the cost of bonding.

Many of the major mining companies and several small mine operators have met and, working with individuals representing conservation groups, have prepared amendments to House Bill 243. In the short time available to do this work, we believe they have proposed acceptable amendments to House Bill 243 that would prevent a cessation of exploration or mining development in the State of Montana. These amendments are not completely adequate, but should satisfy both the conservationists and the industry. In summary, we strongly urge that this committee seriously consider deferring action on metalliferous Mined-Land Reclamation for two years. However, if the committee feels that such deferment is impossible,

we strongly urge adoption of amendments as proposed by ~~Mr. Russ Chadwick~~ the group of companies and individuals and give our support for such amendments. The fact, which has to date received little public notice, that upon termination of activities, many companies and individuals are voluntarily reclaiming disturbed lands, should be considered in your deliberations.

We appreciate the opportunity to appear before this committee and thank you for listening to our views.

AMERICAN EXPLORATION & MINING CO.

R. G. Garwood
Northwest Regional Manager

RGGjhg

STATEMENT OF RAYMOND LASMANIS
February 4, 1971

My name is Raymond Lasmanis. I am a mineral exploration geologist with Superior Mining Company. I am actively engaged in mineral exploration throughout the northwest including the State of Montana.

My presence here does not necessarily express the views of my employer. I am, however, deeply concerned as an individual. What is in store for me from the current legislative session and how will that affect my work? Not only do I hope to keep current on present events but also to get an insight into what I will face in the distant future. An ecological conscience has been born in all of us, yet I also know that this country will not survive if the raw materials it needs cannot be produced. The added tax benefits from these minerals are just as important on a local level.

It is my job to find raw materials. I sincerely hope that in your wisdom you will provide for reclamation, while at the same time make it practical to extract minerals from the earth.

Regulation of an industry requires the study of many technical and legal problems before a sound act can be compiled. I recommend that all aspects of the proposed legislation to regulate the metal mining industry be thoroughly examined for a two-year period before submittal for a vote.

If there is any possibility that you cannot provide for this two-year study period, I want to give my full support to Russ Chadwick, President of the Northwest Mining Association and my other colleagues from the mining industry who are here to assist you in providing for a practical reclamation act.

Fm 41 2m 12 66 83

AMERICAN SMELTING AND REFINING COMPANY
NORTHWESTERN MINING DEPARTMENT
Wallace, Idaho

Ex. 9B
HB 243 2-4-71

TELEGRAM

COPY

WALLACE, IDAHO, FEBRUARY 3, 1971

MR. RUSS CHADWICK
ROOM 217
HOLIDAY INN
HELENA, MONTANA

TELEGRAM

REPLYING REQUEST OUR POSITION HOUSE BILL 243 WE CANNOT FULLY EVALUATE THIS BILL BECAUSE LIMITED REVIEW TIME AVAILABLE. STRONGLY RECOMMEND WITHDRAWAL OF BILL PENDING FURTHER REVIEW WHICH ACTION ALSO PERMITS OBSERVATION OF NEW WASHINGTON SURFACE MINING RECLAMATION ACT FOR PROBABLE ADMINISTRATIVE AND OPERATING CORRECTIONS.

AMERICAN SMELTING AND REFINING COMPANY

R. F. PETTIT, JR.

cc: Confirmation
File

western union **Telegram**

Ex. 9-B

140P PST FEB 3 71 PRA355
PR FFB201 (CH 034FF332201)PD IMC SKO
ZCZC 1 PD SKOKIE ILL

1971 FEB 3 PM 2 51
0328P EST02/03/71
Russell Chadwick

HON CONRAD LUNDGREN - CHAIRMAN
ENVIRONMENT AND RESOURCES COMMITTEE
HOUSE OF REPRESENTATIVES
STATE OF MONTANA
HELENA, MONTANA
BT
RE: HOUSE BILL NUMBER 243

AS A MAJOR MINING COMPANY, INTERNATIONAL MINERALS AND CHEMICAL CORPORATION VIEWS WITH INTENSE INTEREST LEGISLATION WHICH WOULD AFFECT MINING AND MINERAL EXPLORATION ACTIVITY IN THE PUBLIC DOMAIN. IT IS ALSO KEENLY AWARE OF THE NEED TO CONSIDER AND CONTROL UNNECESSARY DEGRADATION OF OUR ENVIRONMENT. IT WELCOMES LEGISLATION WHICH WOULD PROVIDE FOR ADEQUATE SAFE-GUARDS OF THIS

(over)

western union **Telegram**

ENVIRONMENT CONCOMITANT WITH THE UTILIZATION OF OUR MINERALS RESOURCES, BUT URGES THAT TIME BE ALLOWED FOR CAREFUL, CAUTIOUS CONSIDERATION OF ANY NEW LEGISLATION WHICH IN HAST MIGHT RESULT IN UN WORKABLE AND PUNITIVE RESTRICTIONS TO THE MINERAL INDUSTRIES. MORE TIME IS REQUIRED TO REVIEW AND CONSIDER THE IMPLICATIONS OF THE PROPOSED HOUSE BILL NO. 243 BEFORE IT IS BROUGHT TO A VOTE BY THE HOUSE. IT WOULD BE IN THE BEST INTEREST OF THE PEOPLE OF THE STATE AND ALL CONCERNED TO HAVE THE MINERALS INDUSTRY MAKE A THOROUGH STUDY OF THIS BILL WITH THE INTENT OF ACHIEVING EFFECTIVE,

KABLE LEGISLATION. WE URGENTLY REQUEST THAT THE COMMITTEE ALLOW THE RELATIVELY SHORT TIME REQUIRED FOR REACHING A MUTUALLY BENEFICIAL SOLUTION TO THIS LONG STANDING PROBLEM RATHER THAN PERMITTING HASTY ACTION WHICH COULD CREATE NEW ONES.

(over)

western union

Telegram

PRA013 SSK299

1971 JAN 27 AM 8

PR BIA211 DU POM PD=BILLINGS MONT 26=

CONRAD F LUNDGREN=

1971 JAN 27 AM 8 39

CHAIRMAN ENVIRONMENT AND RESOURCES COMM HELENA MONT=

PLEASE SUPPORT HB 243 AS THE BEST MINING BILL=

ANN L WHITMACK==

—HB 243...

western union

Telegram

753A PST FEB 4 71 PRA036 SSC265
PR B IA236 DU POM PD BILLINGS MONT 3
TDB I RED LODGE MONT 3
ENVIRONMENT AND RESOURCES COMMITTEE
CAPITAL BLDG HELENA MONT
RED LODGE CONSERVATION CLUB BACKS HB243 AND SB79 ESPECIALLY
HB243 THE STRONGER MINING MEASURE
CHAIRMAN S KEN SHESNE.

SF-1201 (R5-69)

Ex. 9A.

NAME Seymour S. Bernfeld BILL No. 243

ADDRESS 17 Range View Drive Denver DATE

~~80214~~ 80215

WHOM DO YOU REPRESENT? American Metal Climax Inc

SUPPORT? _____ OPPOSE? ✓ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Amendments to 243

Support 244

SEYMOUR S. BERNFELD
GENERAL ATTORNEY

AMAX
AMERICAN METAL CLIMAX, INC.
EXPLORATION AND MINE EVALUATION DIVISION

12520 WEST CEDAR DRIVE
DENVER, COLORADO 80226
(303) 985-8701

Support HB 243, 244 2-4-71

Ex. 7A
H.B 243
244
2-4-71
PM
Lydia

I come here today as an irate citizen, one of the silent majority who have too long been silent on controversial issues.

Man stands at the crossroads of his destiny. A species called man is now at the most critical point in all of earthly evolution. We are bequeathing to our young people dying lakes, land that is reduced in fertility, polluted rivers and streams. The battle lines are formed between those committed to restoration of this ravaged country and those whose allegiance is to private profits and corporate power. Too often in the past our decisions have been short term economic considerations, with no thought to the future. It is now necessary to reorganize our thoughts about life and living on this planet earth.

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PROSPECTING SNAG-- DARROW'S PROPOSED LANDOWNER'S NOTIFICATION ACT RUNS INTO OPPOSITION FROM A HANDFUL OF MINING COMPANIES

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I thank you for the opportunity to appear here today.

Irene Ingebard
Great Falls

Support

NAME Mrs. Nell Kubesh BILL NO. 243

ADDRESS 329 W Ames - Glendive, Mont DATE 2/4/71

WHOM DO YOU REPRESENT? Dawson County Farmers Union
Dems. Women's Club of Dawson County

SUPPORT? Yes OPPOSE?_____ AMEND?_____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

In 1963 the Montana legislature passed the first Stream Preservation act in the nation. The opponents insisted that it would stop all highway construction. Highway construction did not stop in any form.

In fact, environmental care is becoming an economic stimulant and creates more employment. Cement plants, gasolite plants, improved pulp mills are examples of using waste materials.

Agriculture is still by far the primary industry in Montana (3 times as much income as mining) and should have prime consideration. Unreclaimed mining land destroys any future agricultural use. We are talking about 500,000 acres.

Testimony before the House of Representatives, Environmental Resources Committee, concerning HB243, February 4, 1971.

I am KATHLEEN WILKE, representing the American Association of University Women of Montana. We urge your considering ~~consideration of the proposed amendments of~~ House Bill 243. The University Women feel the bill can be altered so that it protects our environment but does not cripple or stifle the mining industry. For example, in Section 12, the performance bond deposited for reclamation should be on a graduated scale proportionate to the size of the claim involved so the individual prospector or small mining company would not be eliminated.

Present and future Montanans cannot survive on land polluted and desecrated by mining and related operations, nor will they be able to live without the sound economy boost provided by the mining industry. We are greatly concerned that Montana have stringent, but fair and workable mining reclamation laws that insure a sound future for our state, both economically and aesthetically.

STATEMENT ON MONTANA HOUSE BILL 243

by

R. G. Garwood, Northwest Regional Manager
American Exploration & Mining Co.

BEFORE THE MONTANA HOUSE COMMITTEE ON NATURAL RESOURCES

Mr. Chairman, my name is Robert Garwood. I am Northwest Regional Manager for American Exploration & Mining Co. The following statement is made on behalf of American Exploration & Mining Co. As is evidenced by the fact that we presented a statement at each of the 1969 and 1970 Montana Governor's Conferences on Mined-Land Reclamation, we are vitally concerned with Mined-Land Reclamation legislation in Montana. We own property in Jefferson County and are taxpayers in the State of Montana. We have actively engaged in exploration within the state for the past 13 years and hope that we may be allowed to continue in the state for years to come.

Within the past three years, we have voluntarily reclaimed, or are in the process of reclaiming, lands that we have disturbed within the state. We have cooperated with representatives of the U. S. Forest Service and the work we have completed to date has been done to the satisfaction of the U. S. Forest Service.

We believe that to date, the Governor's Committee is perhaps the most knowledgeable group of legislatures on Mined-Land Reclamation. This knowledge stems from their excellent work completed during the past two years. In their wisdom, they have stated that it is extremely difficult to regulate coal mining stripping and metalliferous mining with one piece of legislation. It is their decision, based upon the present needs of Montana, its people and the country, that coal mining legislation is the most immediate need for the state. The Committee has proposed such regulation by Senate Bill 70 which we firmly support. Because of

the difficulty involved in writing legislation to regulate the metalliferous industry, they have wisely suggested that such legislation be deferred for two years to allow adequate study to effectively regulate the industry and still preserve Montana's scenic beauty and prevent unsightly scars of the past. We hope that this recommendation will be considered by this committee and pledge our support to any commission that may be established to study metalliferous Mined-Land Reclamation.

We believe that House Bill 243, as originally written, is a punitive bill towards the mining industry and if passed without substantial amendments would result in almost complete cessation of metalliferous mining exploration in Montana. Without exploration, new mines in the state will not be found. Without exploration, one of the state's leading industries would slowly cease to exist and contributions to the state's economy and tax base would be lost. In addition, in the long term, cessation of exploration will result in a serious metal shortage in the United States. Punitive costs from excessive bonding requirements could result in added costs that would make today's marginal operation uneconomic. I refer not to the cost of reclamation but to the cost of bonding.

Ten major mining companies representing a crossection of the industry, ~~Many of the major mining companies and~~ several small mine operators have met and, working with individuals representing conservation groups, have prepared amendments to House Bill 243. In the short time available to do this work, we believe they have proposed acceptable amendments to House Bill 243 that would prevent a cessation of exploration or mining development in the State of Montana. These amendments are not completely adequate, but should satisfy both the conservationists and the industry. In summary, we strongly urge that this committee seriously consider deferring action on metalliferous Mined-Land Reclamation for two years. However, if the committee feels that such deferment is impossible,

we strongly urge adoption of amendments as proposed by ~~Mr. Russ Chadwick~~ the group of companies and individuals and give our support for such amendments. The fact, which has to date received little public notice, that upon termination of activities, many companies and individuals are voluntarily reclaiming disturbed lands, should be considered in your deliberations.

We appreciate the opportunity to appear before this committee and thank you for listening to our views.

AMERICAN EXPLORATION & MINING CO.

R. G. Garwood
Northwest Regional Manager

RGG:hg

Ex. 5
HB. 243-244
2-4-71
PM

House Committee on Environment and Resources Feb. 4, 1971

Hearing: HB-243 Requiring licensing of persons engaged in mining exploration and mining.

Mr. Chairman, members of this committee, ladies and gentlemen, I am William Tomlinson from Missoula. I speak today only for myself.

I have not had a great deal of experience in mining, but I have worked for a year in western Montana on geochemical exploration and project report preparation. I am keenly aware of the roles of coal and petroleum in the generation of electrial power and the roles of Copper, Nickel, Lead, Molybdenum, Silver, etc. in the technological development of this country. An importance which indeed is hard to exaggerate. An importance probably to be stressed in later testimony.

In the past year, two Kentucky Counties, Knotts and Henderson declared strip mining a public nuisance and outlawed it completely. Several other counties will soon follow suit. In 1968 the state of Penn. authorized the creation of an indebtedness of five hundred million dollars for the conservation & reclamation of land & water Resources. A controversy centering on the Little Boulder Creek Molybdenum project in Idaho's White Clouds Mountains reached National acclaim. It brought attention to the long outdated structure of mining law.

These conflicts need not arise. Cooperation is required from all quarters. Development may legitimately be opposed in those cases where environmental damage far outweighs the gains. In others the need is for coordinated planning.

AMAX, the American Metal Climax Company and COSC, the Colorado Open Spaces Council are writting at the Henderson Molybdenum mine this script of cooperation.

If industry proposes that this legislation is inoperable, premature, punitive, unconstitutional or poorly drawn, I ask that you emphasize consideration for society and public values. Pass the bill and give industry a chance to demonstrate its ingenuity. There has to be a way for man to live compatibly with his environment. We cannot amend or repeal that law.

EX. 4
H.B. 243-244
2-4-71 p.m.

TESTIMONY BEFORE THE HOUSE FISH AND GAME COMMITTEE
on HB 243 and HB 244
By

Don Aldrich
Montana Wildlife Federation

February 4, 1971 Support

It is most appropriate that this Committee should be hearing HB 243 and HB 244 on the same date. Both bills will assure a degree of environmental consideration by an industry that historically has ridden roughshod over surface values.

HB 243 will be resisted by the industry because it imposes ~~a degree of~~ control by an agency dedicated to wise use of natural resources.

HB 244 will also provide increased consideration of surface values, but there are provisions in this bill that will eliminate the need for the exploration pit. Industry can be expected to support this change.

Admittedly HB 243 is a brave step in resource management, but it is not a new idea, nor is this action premature. The scars of mineral exploration and development have been with us for a long time, and they are durable enough to last for many more generations. Society may never be able to reclaim much of the land laid waste, but we cannot ignore our obligation to the land to prevent future depletion of surface values.

While preparing this legislation, some representatives of industry have said they cannot survive under this control. I say there is evidence that society cannot survive without it.

Reclamation must be a unit of cost in production passed on to the consumer. Montana cannot afford to sacrifice its surface resources to provide an inexpensive product to the nation's industries and citizens.

Of particular concern in current management of wilderness-oriented species of fish and wildlife is roading of previously unroaded areas. We are making progress in controlling this roading as it is related to logging in negotiations with the United States Forest Service. Any legislation that would assist us in making similar progress with the mineral industry, particularly as it pertains to mineral exploration activities would certainly help us meet our management responsibilities.

Ex. 2
H.B. 243-244
2-4-71
PM.

STATEMENT FOR PRESENTATION TO THE

HOUSE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

February 4, 1970
By
James A. Posewitz

In January of 1970 the Montana Fish and Game Commission adopted a Natural Resource Development Policy which in part reads,

"The Fish and Game Commission supports the surface mining for coal and bentonite, the dredge mining for gold and the drilling for oil when that development is accompanied by mandatory reclamation dedicated to restoring the surface of the land to the highest possible level of productivity. To this end the Montana Fish and Game Commission will work cooperatively with any and all companies to insure that new developing mineral and oil extraction complexes are planned to have the least possible disruption of an area's present fish and wildlife ecology and that this development be designed to insure the maintenance of the highest environmental quality technologically possible. Recognizing the complete lack of environmental protection now associated with present mineral and oil exploration and mining claim maintenance procedures, the Fish and Game Commission supports efforts to make mineral exploration, including oil and gas, more compatible with environmental quality maintenance."

The bills being considered by this committee would definitely assist us in carrying out this policy. Several key species of wildlife that we are responsible for managing appear to require a wilderness or semi-wilderness environment. To maintain these species we must maintain the habitat or environment that sustains them. Maintaining this environment does not necessarily exclude other uses, but it does require that other uses show consideration, and in some cases make concessions to prevent unnecessary destruction, and in all cases to reclaim areas disturbed and then abandoned.

We support the State of Montana in its objectives of good mine reclamation legislation.

We believe that House bill 243 would be of considerable administrative assistance in attaining reclamation of National Forest lands.

2-19-71

USDA, FOREST SERVICE

STATEMENT ON HB 243

My name is John B. Burleson. I am a mining engineer with the Minerals and Geology Branch, Forest Service, Missoula, Montana, and it is indeed a pleasure to appear before this committee on behalf of the Northern Region of the U.S. Forest Service.

The Forest Service administers 10 National Forests in Montana comprising some 16,000,000 acres. Most of this land is open to mineral entry under the General Mining Laws. The mining laws of the past have not always been conducive to good land management practices. They originated in the days when land was plentiful, and at a time when there appeared no need for concern for wise use of our public lands.

Administration of the National Forests is also guided by other laws which specifically require that due consideration be given the relative values of all resources. Thus, Forest Service policy is to encourage prospecting and mining, but to the extent feasible to coordinate prospecting and mining with the protection needs of other resource values.

With no controls, there has been little done in the past to reclaim these lands affected by mining to a productive nature that would permit other uses when mining was finished.

Today we are faced with thousands of acres of land where the surface has been torn up from past prospecting and mining, and where little use can be made without major reclamation and restoration work. The public is becoming increasingly aware of these scars and is asking that something be done about them.

We recognize there are times where surface disturbance is necessary. However, we also believe it is past time to look toward a system of restoration of these disturbed areas. We also are faced with the integration of the mining use with other important uses of the National Forests.

Under the present mineral leasing system, such as for coal and phosphate, it has been demonstrated that with control for land reclamation and restoration mined-out lands can be restored as a part of the mining process, and without causing undue hardship to the mining industry.

We do favor controls over mining in the State, so that we may be assured of reclamation of these mined lands, safeguard against pollution and sedimentation of our streams and rivers, and to assure erosion control.

We are pleased to see the State move forward objectively in facing up to these problems, as in most cases, the General Mining Laws of the United States have not imposed controls over reclamation of mined lands.

2-4-71
Ex 1
H.B. 243
2-4-71
P.M.

USDA, FOREST SERVICE
Support

STATEMENT ON HB 243

My name is Robert W. Manchester. I am Chief, Minerals and Geology Branch, Forest Service, Missoula, Montana, and it is indeed a pleasure to appear before this committee on behalf of the Northern Region of the U.S. Forest Service.

The Forest Service administers 10 National Forests in Montana comprising some 16,000,000 acres. Most of this land is open to mineral entry under the General Mining Laws. The mining laws of the past have not always been conducive to good land management practices. They originated in the days when land was plentiful, and at a time when there appeared no need for concern for wise use of our public lands.

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We do favor controls over mining in the State, so that we may be assured of reclamation of these mined lands, safeguard against pollution and sedimentation of our streams and rivers, and to assure erosion control.

We are pleased to see the State move forward objectively in facing up to these problems, as in most cases the General Mining Laws of the United States have not imposed controls over reclamation of mined lands.

We stand ready to help the State of Montana in furthering the objectives of good mine reclamation legislation.

We believe that House bill 243 would be of considerable assistance in attaining reclamation of National Forest lands.

EX. 8
243-244
2-4-71

Feb 4, 1971

Re: HB 243

In my opinion, mining is one of the few basic means of attaining a quality economic environment for Montana. Metals are becoming scarcer and must be mined wherever they are found. The small miner or prospector could not function under the provisions of HB 243.

Passage of this bill would be a capitulation to the environmental extremists who seem to be determined to turn Montana into an economic wasteland. There must be a balance between environmental and economic matters. Otherwise, we cannot afford to live here.

There are no bills in this legislature encouraging industry of any sort. I urge you to encourage the small prospector in his search for metals that will benefit Montana by modifying the licensing, bond levels and reclamation rules contained in this bill.

Very truly yours,

S. M. Lane

S. M. Lane, President
Montana Mining Association

STATEMENT BY
MONTANA MINING ASSOCIATION
AND
SOUTHWESTERN MONTANA MINING ASSOCIATION

We think this act is discriminatory to the prospector and operators of small mines because it binds him to duties not required by ranchers, timbermen, sportsmen and other businessmen who likewise deface the surface of the earth.

In the matter of roads, by this act, a miner is bound to reclaim roads even on his own patented ground while all other land owners are excused. This is a clear deprivation of our constitutional rights. Most of the travel into high mountain country is over roads built by miners in the first place at their own expense.

The amount of land disturbed by the small miner per year, except for roads, is far less than a farmer plowing a 40 acre field. Therefore we take strong exception to the charge that the prospector and miner is a ravager and rapist of the public land. When one flies over, even our mineralized areas the amount of disturbed land is so small that it cannot be seen unless you look very closely for it. If we can cut out the present location work requirement of our present law then very little land will be disturbed.

We are afraid of the undefined term "reclamation". The word is not defined in this act. There are hints as to complete surface restoration, all holes filled in and vegetation replanted. Why are not others besides miners charged with this duty? Remember this act applies to <u>all</u> mining land. We can hardly agree to something when we don't know what it is or how it is going to be defined. We are afraid of the administrators of this act because we don't feel that the director of the water board will always be qualified to administer this law and to our knowledge experienced, qualified persons in the field of mined land reclamation, except in coal land reclamation, simply do not exist.

The plans, maps, etc., required by this act take professional people to prepare. The prospector ordinarily is not trained in this work and he does not have the money to hire it done. Therefore he cannot comply except under undue hardship.

THOSE SIGNING WITNESS FORMS ON H.B. 243, Feb. 4, 1971

SUPPORTING:

Don Aldrich, Montana Wildlife Federation
Mrs. Nell Kulush, Dawson Co. Farmers Union and Demo. WomenClub
Rep. Bob Brown, Dist. 30
Mrs. John Cross, American Association of University Women
Neva Lydeard, self
Barbara Rudio, American Association of University Women
William Tomlinson, self
Eldon H. Smith, self
Elizabeth Smith, Montana Wilderness Association
Cecil Weeding, Rep. Dist. 6
Winton Weydemeyer, Montana State Grange
Kathleen Wille, American Association of University Women
Giles E. Walker, Amax Exploration, Inc.

OPPOSING:

R. L. BEAVER, self
Seymour S. Bernfeld , American Metal Climax, Inc.
W. A. Hall, self
Burr L. Lively, Lively's Inc., DBA Lively Mining Co.
George Phillips, self

THOSE SIGNING WITNESS FORMS ON H.B. 244, Feb. 4, 1971
SUPPORTING:
Seymour S. Bernfeld, American Metal Climax, Inc.
Giles E. Walker, Amax Exploration, Inc.
Winton Weydemeyer, Montana Conservation Council

OPPOSING:
R. L. BEAVER, self
W. A. Hall, self
George Phillips, self

THOSE SIGNING WITNESS FORMS ON H.B. 368, February 4, 1971

SUPPORTING:

C. W. Brinck, State Department of Health
Rep. Gary Marbut, Dist. 14
Lester R. Rusoff, Western Montana Fish and Game

ATTACHED PETITION OPPOSING H.B. 243, 244, 271 and 500

February 6, 1971

The Committee on Environment and Resources Committee met at 10:30 a.m. with a quorum present and Chairman Lundgren presiding.

Rep. Knudsen, Dist. 5 B, appeared on H.J.R. 33 and explained that the joint resolution would ask that Montana continue more research on phosphates in detergents.

Rep. Fagg, Dist. 9, was present to explain H.J.R. 42 which, he said, would request that the delegates to the Montana Constitutional Convention write in the new constitution the rights of citizens to a clean environment. There being no further questions, the witnesses were excused.

Rep. Anderson moved that H.J.R. 33 do pass, seconded by Rep. Johnston, and the motion carried unanimously.

Rep. McNamer moved that H.J.R. 42 do pass, seconded by Rep. Quilici and the motion passed.

Rep. Johnston moved that H.J.R. 32 do pass, seconded by Rep. Kolstad and the motion carried.

The sub-committees on H.B. 157, 182, 548 and 500 asked for further time. Rep. Scott asked for more time for his sub-committee have more time on H.B. 243, 244, and 368.

Rep. Darrow reported on H.B. 479. He reported the sub-committee proposed to amend the bill by adding "crew" and that as amended the bill do pass. Considerable discussion followed. Rep. McNamer moved that this bill do not pass, seconded by Rep. Quilici. He stated that there was no violet wrong without the right remedy but he didn't think this would be the right remedy and that they could wait for two years for a good bill.

Rep. Anderson spoke in opposition to the substitute motion. He stated the bill would try to protect the coal fields where the surface water was being polluted by allowing the saline waters from one aquifier to run into another aquifier of good water. He said exploration for coal was ruining water for livestock right now.

Rep. Scott moved that H.B. 479 be amended according to the amendments suggested bu the sub-committee and as amended do pass, Rep. Johnston seconded the motion. Discussion followed, the people in the western part of the state thought the bill was not needed in the western part of the state and that landowners could take the proper action to protect their land and water. Rep. Darrow explained the steps now required for oil drilling. Rep. Ainsworth asked if there weren't some other bills that would do the same thing and cover strip mining and mining activity and Rep. Darrow stated that the ultimate form

Rep. Ainsworth moved that H.B. 500 do not pass, seconded by Rep. Scott and the motion carried.

Rep. Ainsworth moved that H.B. 548 do not pass, seconded by Rep. Scott and the motion carried.

Rep. Scott, chairman of the sub-committee on H.B. 368, recommended that it be amended on page 4, line 30 after the word "juries" by adding the language "or board of county commissioners in any county where there is no planning board in the county in which the sub-division is located". As there were other amendments not available during the committee meeting, action on H.B. 368 was postponed.

Rep. Scott stated the sub-committee on H.B. 243, 244 and 471 had met with various people and an amendment had been proposed by a group of mining companies lead by Mr. Chadwick of the Western Mining Association. He said the amendments recommended by the sub-committee were dated February 5, 1971. He said the sub-committee recommended that House bills 244 and 471 do not pass. He said that Rep. Fagg was not violently opposed to the amendments proposed for H.B. 243. Rep. Scott discussed each amendment in detail. He said the only real objection was from the small miners and they apparently had not read the bill and did not know that they were excluded from the provisions of the bill. Rep. McNamer said the main thing was that the small miners had not had the time to study the bill and he thought the small miners were amply protected. He said the Montana Water Resources Board had been designated to regulate the act.

Rep. Scott moved that H.B. 243 as amended in the committee report dated February 5th do pass, seconded by Rep. McNamer and the motion carried.

Rep. Scott moved that H.B. 471 do not pass, seconded by Rep. Johnston and the motion carried.

Rep. Scott moved that H.B. 244 do not pass. Rep. McNamer stated the sub-committee felt they did not have enough information on the bill. Rep. Darrow stated the mining laws needed to be modernized and explained what was presently required. He said he couldn't understand why the sub-committee would pass H.B. 243 and not H.B. 244. He made a substitute motion that H.B. 244 do pass, seconded by Rep. Anderson. Rep. McKittrick moved that H.B. 244 be amended on page 1, line 25 by striking the word "commercial" and the motion was seconded by Rep. Johnston and the motion carried. Rep. Anderson said he felt H.B. 244 would be the most important piece of legislation adopted by the legislature. The motion to pass as amended carried.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

hmw

Conrad F. Lundgren,
Chairman

2645 Clark Avenue
Billings, Montana 59102
February 8, 1971

The Honorable Conrad F. Lundgren, Chairman
House Environment and Resources Committee
Capitol Post Office
Helena, Montana 59601

Dear Representative Lundgren:

The film "A Legal Crime," depicting the destruction of the land in the Beartooth-Stillwater area, done legally under existing state and federal regulations, was shown Friday evening on a local TV station. As the enclosed Gazette article indicates, so concerned was a young housewife, Mrs. Angela Duncan, that at 7 p.m. Friday evening she began getting volunteers to man a petition drive--and by 6:00 Saturday evening, less than 24 hours later, she had received over 1500 signatures.

Of immediate concern, and uppermost in the minds of those who signed the petition is the weakness of the present mining laws. Many who signed thought the wording was too weak, and others refused to sign because they thought the petition "toothless." As your committee knows, HB 243 would strengthen existing regulations by requiring licensing prior to mining or removing overburden. It also provides a plan of reclamation and a performance bond.

Certainly your committee recognizes that such an overwhelming response to a spontaneous action demonstrates the concern of the citizen. Those who signed have a land ethic--a sense of obligation to the land over and above those dictated by self interest. It is our hope that the committee will respond to this petition by enacting legislation which protects the natural resources of the state from irreversible pollution, impairment, or destruction.

Sincerely,

Zoe Gerhart

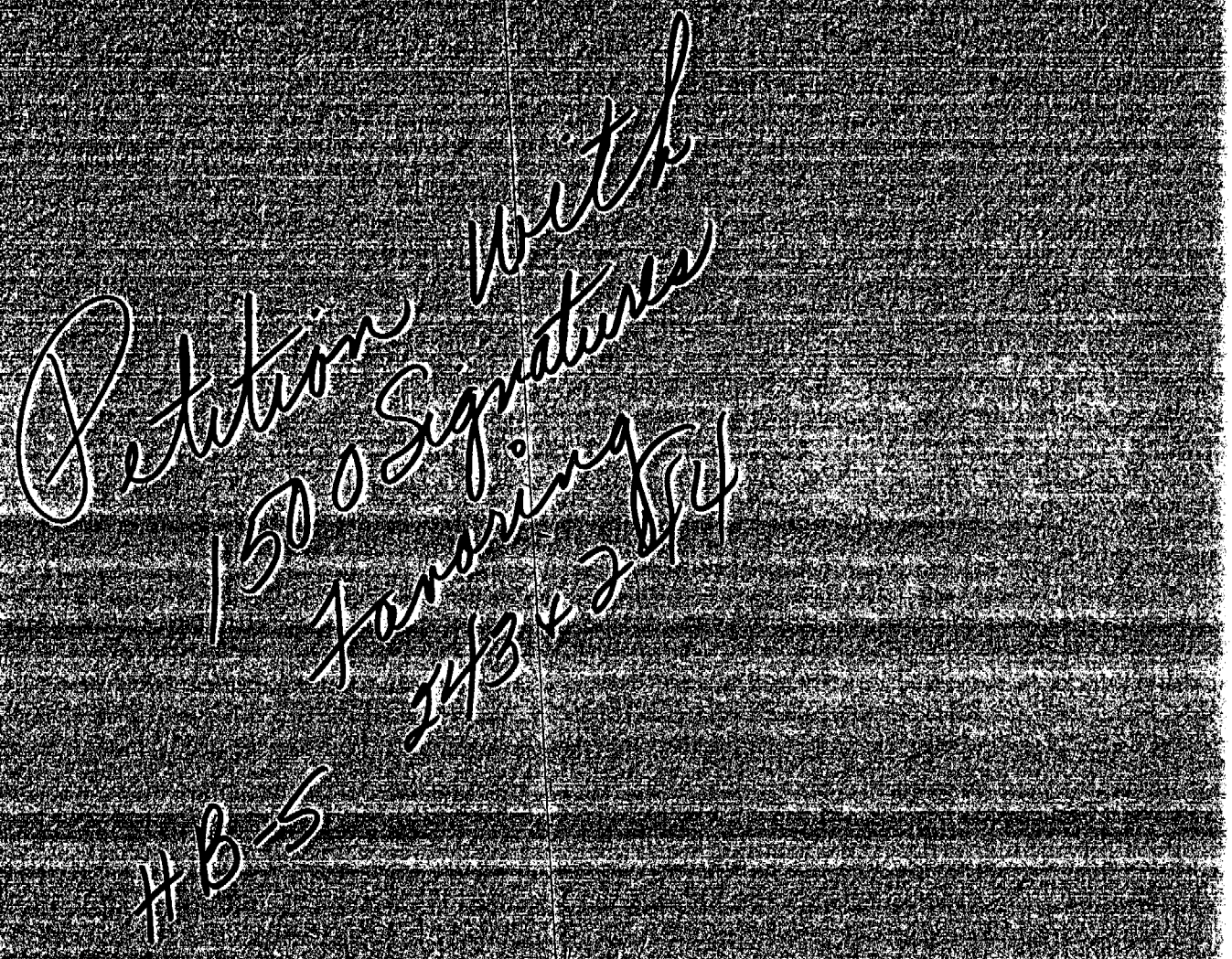
(Mrs.) Zoe Gerhart

zg

Enclosures:

Petitions
Gazette article, Feb. 8, 1971

P.S. Please advise your Committee of this correspondence


Petition with
150 Signatures
Favoring
HB-5
243 + 244

SENATE COMMITTEE
ON
NATURAL RESOURCES

The eleventh meeting of the Senate Committee on Natural Resources was called to order by Chairman Wm. H. B ertsche at 8:00 A.M., Saturday, February 20, in the Highway Commission Auditorium. Roll was called and a quorum declared present.

Many persons appeared at the hearing, as shown by the attached sheets signed by visitors.

Rep. Harrison Fagg, Chief Sponsor of HB 243 and HB 244 appeared to present his bill. He showed a film entitled "A Legal Crime" which showed the mining exploration now being conducted in the Beartooth Mountains, as well as destruction to the lands caused by mining in various parts of Montana. Spokesmen appearing in favor of the bill were Daphne Bugbee, League of Women Voters; Ernie Post, AFL-CIO, Lou Aleksich, Jr., Yellowstone Co. Young Republicans; Cecil Garland, Montana Wilderness Association; Jim Posewitz, Montana Fish and Game Commission; Bill Tomlinson, Associated Students of University of Montana. A petition containing 1500 signatures of people in Yellowstone County was also given to the committee, favoring HB 243.

John Byrd, a small mine operator was first opponent. He was very much against the bill, stating that it would "kill small miners".

Fuller Stout, Montana Bureau of Mines, also spoke in opposition. One objection was that the word "reclamation" ia not explained in detail. He objected to having the Water Board administer the bill; also said that small miners should be excluded from provisions of the bill.

Stanley Lane, President of Montana Mining Association also appeared in opposition. Stated that the 5 acre exemption for small miners should be at least 20 acres.

Senator Wm. Groff also appeared in opposition, stating that he wanted an explanation of what the bill would do rather than a film using emotionalism to get support for it.

Leonard Lively, President of Southwestern Mining Company, John Tabor, a Registered Engineer and Geologist also appeared in opposition, as well as 30 small prospectors who had come with him; also Bill Hank.

Russell Chadwick, President of Northwestern Mining Association also appeared and presented amendments to the committee, which he said would improve the bill.

Robert Garwood of American Exploration and Mining appeared; he said that the article presented to the committee from the Wallace Miner was not accurate and that his remarks there had been misquoted.

Williard Cox, Assoc. Professor Geological Engineering at Montana Tech also spoke against the provisions that would not only affect small miners, but also students of geology, rockhounds, etc., and asked that amendments be made to exclude these people.

Russell Stout then spoke again stating opposition to HB 244, stating it would open the door to more problems and should be amended to conform to SB 250. There must be some discovery work done and this bill does not provide for any.

Bob Nelson, a mining engineer and retired miner suggested that HB 66 was a good bill and would set up an environmental council to study the problems and that this should be the approach taken to mining, and that he hoped the committee would give favorable consideration to HB 66 and kill HB 243.

Eugene Thirsh of U.S.F.&G. spoke in opposition to the bill. Said it would be impossible for small miners to obtain necessary bond required under the bill.

Professor William VanMeter, Montana Tech. appeared in opposition. He stated that many surface disturbances of the land tend to heal themslves; that the percentage of surface disturbance is very small. The small miner cannot afford to comply with provisions of this bill.

Senator Frank Hazelbaker read prepared statement in opposition, signed by miners in Dillon area.

Larry Ward, a miner from Elliston spoke in opposition and presented proposed amendments to exclude small miners and prospectors.

Rep. Fagg then presented rebuttal testimony. The committee asked questions of various witnesses and of Rep. Fagg. Rep. Fagg also presented proposed amendments to conform to HB 66, providing for administration of this act by Environmental Council rather than by the Water Board.

The meeting was then adjourned.

William H. Bertsche, Chairman

Doris Cox, Secretary

Rimini Route
Helena, Mont. 59601
February 17, 1971

Dear Sir:

I write this letter to ask you to vote against HB243 and HB244.

HB243 is an unfair and unworkable bill that the small miner cannot live with. It was introduced by a landscape architect and a twenty-three year old girl that know absolutely nothing about mining.

I ask you, how would you like to have some one like that tell you how to run your business?

I know that your work load is heavy, but please give this bill careful consideration, because if passed it will be the end of the small miner and prospector and effect the lives of a good many people.

And, I might add the end of a heritage.

Thank you,

Sincerely,

George A. Phillips

George A. Phillips

63 signatures

Dillon, Montana
Feb. 9, 1971

The Honorable Frank Hazelbaker
State Senate Chamber
Helena, Montana

Sir:

We, the undersigned, are members of your constituency and do by our signatures unalterably oppose the provisions of HB 243 and ~~HB 471~~, introduced by Fagg and Bradley. Also ~~HB 243~~ & HB244.

We are small miners and/or prospectors. Not one of the undersigned is on relief or a drag on the economy of the state. We believe the Ecological Movement has great worth, but not at the expense of mineral development, which is vital to the development of the nation as a whole.

Almost without exception the great mineral deposits of our land have first been located and exposed by the small miner and prospector. The proposed bills by their language would place so onerous a financial burden upon the small operator as to legislate him out of existence - and, perchance, on to the relief rolls.

We do not agree that Montana should become a National Park!

These bills would destroy the small operator and prospector who discover a mineral lead and pursue it, and in no way disturb the great corporations which indiscriminately bulldoze the land.

We decry these bills which crucify the small and make all things possible for the big!

We attest:

Merle Kruse Dillon Mont.
Ruby Nygren Argenta Star Rt Dillon Mont
Lillon Nygren Argenta Star Rt Dillon Mont
R.D. Modure Argenta Bill Hand, Dillon, Mont.
J.M. Knapp Argenta Mrs Kenneth Langstaff Argenta Star Rt. Dillon Mon
Nancy A Knapp Argenta
Bernard L. Knabe Argenta Nole Nygren
Richard H Knabe Argenta Mont.
Kenneth Langstaff Argenta Mont.

Senate Committee on Natural Resources

Testimony in support of House Bill 243 Feb. 20, 1971

Mr. Chairman, Committee members, I am William Tomlinson Vice-Chairman of the Environmental Coordinating Committee from Missoula I rise in support of HB-243.

This bill is itself a symbol of cooperation between the interests of mining and environmental preservation. A development that must be herolded with enthusiasm and anticipation after some 100 years of free wheeling operation. Operations embossing on the earths face, indelibly a legacy of disregard.

We have far to go, yet a begining is needed. That beginning, a foundation, can be established and <u>will</u> be established by your favorable decision on 243.

Thank You
William Tomlinson
William Tomlinson

Statement
Submitted to

Envirenmental and Resources Committee
of the
Montana Senate
1971 Legislature
Hearing Held at

Montana Highway Auditorium
Helena, Montana
on H.B 243
Saturday, February 20, 1971 8:00 A.M.

I am a small mine operator who has been full time in the endeaverenments of mining for the past 23 years. I was born and reared in a mining envirenment. I presently operate the Hand Mine West of Dillon which has been in continuous production by the Hand Family for the past 29 years.

I have been involved in both mining and exploration projects and can speak from a sizable store of experience that the road to a profit is hazardous and extremely risky. So much so, that any further discouragements such as H.B. 243 would have a most adverse effect on our future mineral base.

Specifically, I am offended by the discriminatory exclusion of the non-metalics coal, sand, gravel etc. Re: Page 3 lines 6-11.

On Page 6, lines 21 and 22, I question that experienced land reclamation personell are available. Should they be, who determines their qualifications and from whence is the money to pay them comming.

I call the committee's attention lines 18 through 20 on page 8, "i,e., drilling, trenching etc., and the location of primary support roads and facilities;" to my way of thinking these are functions of exploration and prospecting and not development. This concludes therefore, that the exploration license defined on page 7 lines 22 and continuing is good only until the claim is staked and the certificate of location is recorded. Any further work requires, for all practical purposes, a development permit.

With the Committee's permission, I would like to submit my estimate of what it would cost in time and money to get a development permit. The very nature of the requirements requires somewhat technical answers of a professional nature such as:

"(b) Submit a description of the area-------"
"(c) Submit a suitable map--------"
"(d) Submit a statement of proposed development--------"
"(e) Submit an estimate of the acreage expected to be disturbed----------"reclamation
"(f) Submit a proposed ~~exploration~~ Plan----------"

Re: Pages 8 and 9.

I would suppose that a competent person could judiciously charge $200 for his time and efforts in the so called paper work and he might well estimate that of total of six weeks would be required for procurement of the permit to which must be added the $25 application fee and the cost of the bond if the latter can be had at all. Gentlemenm the permittee must be prepared with $750 before he sticks a shovel in the ground.

Those people who I know, who attempt to and many times do gamble their time efforts and money in the hope of finding a bunch of ore, could not be persuaded to get off a chair if they were not permitted to harvest the fruits of their efforts by selling their ore-----which by this legislation would require a reclamation plan in order to secure an operating permit.

It is acknowledged that lines 10 through 26 on page 16 attempts to rectify these adversities by exempting 5 acres of disturbed surface without bond; it leaves the small prospector at the mercy of the Board to waive the technical requirements.

I am proud to be an American and proud and greatful to have participated in the legislative action.

Resectfully submitted,

William M. Hand

William M. Hand

We fail to see the purpose of the exploration license. Outside of harassment to the miner what good does it do? There is nothing in the act to show for what purpose this requirement is intended. Too, it will be expensive to maintain by the water resources board. Also the development permit is an unnecessary cost and serves no useful purpose to the small mine operator nor the board either. Again this is a deprivation of our constitutional right. This is an additional harassment that can only stop a miner, it can't help him.

Even though there is an escape clause for a small mine operator not requiring a bond, this does not release the miner, his heirs, assigns and possibly employees from possible heavy financial obligations to surface restorations. As we interpret this act an employee is covered under its terms and the financial commitments. See Section 7(5). This is rather unusual for any act.

A dredge-mining act was passed two years ago and the State Board of Health was to administer it. The Board was not alloted any money. Therefore the miner could not mine without breaking the law, and the Board did not set up the machinery to handle it. Until we took this to court, the miner could not do anything. We see exactly the same thing in this bill. There is no money allocated to enforce this expensive bill and we again will be in a period of limbo not knowing what to do.

We object to the judicial appeal procedure. This act says we cannot have a jury if we wish and that the court cannot question the interpretation of facts by the Board. In our humble opinion this is not a true judicial review. It is up to the courts to decide this, not the legislature.

Section 19 is untenable to us because there are many potential valuable mines which have not produced in the past five years. Then if a man held on to this property doing his required work by federal law, he would or could be liable for complete surface restoration. This could be a financial burden most prospectors and small mine operators could not assume.

Gentlemen, this act if passed will virtually eliminate all prospecting and mine exploration in the State by private citizens. Only large well financed companies can comply to these provisions. Therefore we ask your serious consideration to either kill this bill or exclude the individual prospector and small mine operator from its provisions.

Thank you

February 20, 1971

Dear Mr. Chairman: (In opposition to House Bill 243)

I am Stanley M. Lane, President of the Montana Mining Association, also Manager of the East Helena Smelter owned by American Smelting and Refining Company. In these capacities, I am personally acquainted with many of the small miners in the state. They have told me of their present problems in making any money from their mining operations.

As to the future, the probable effect of HB 243 will be to eliminate the small miner. There is a provision on Page 16 of the bill that is supposed to protect the small miner from the excessive restrictions and costs involved in the Act, that is, the five acre exemption. A single mining claim is about 20 acres so the exemption is negligible.

Montana needs economic development and mining is one of the few possibilities we have of attaining a quality economic environment. Metals are becoming scarcer and we need the small miner more than ever to ferret out and develop our hidden mineral resources.

This small but important group of Montanans have become embittered by the sudden attack by over-zealous environmentalists on their means of livelihood, property rights and freedom to find valuable and necessary minerals wherever they may be.

I urge you to respect their viewpoints and not pass yet another unnecessarily restrictive law. The expense for administering and policing this law will be exhorbitant. The state needs income, not more expenses.

Stanley M. Lane

Stanley M. Lane, President
Montana Mining Association

SENATE COMMITTEE
on
NATURAL RESOURCES

The twelfth meeting of the Senate Committee on Natural Resources was called to order by Chairman Wm. H. Bertsche at 11:00 A.M., Monday, February 22, in Room 442. Roll was called and a quorum declared present.

The proposed amendments to HB 316 were read and explained to the committee. Senator Mitchell moved acceptance of the amendments, seconded by Senator Cochran. Motion carried. Senator Cochrane then moved, seconded by Senator Mitchell that HB 316 BE CONCURRED IN AS AMENDED. Motion carried.

Rep. Harrison Fagg then presented a series of amendments to HB 243. The committee discussed the bill at length and talked over the proposed amendments. A further amendment was suggested by Senator Mitchell, to amend Section 3, subsection (7), line 18, by adding after the word "exploration" the words and punctuation ", except as noted in Section 20 and Section 24 herein."

Senator Cochrane moved adopted of the amendments, seconded by Senator Flynn. Motion carried.

Senator Cochrane moved, seconded by Senator Mitchell that HB 243 BE CONCURRED IN AS AMENDED. The motion carried.

The chairman advised the committee that HJR #10, previously passed by the committee had been referred to the Rules Committee for decision as to whether the intent could be carried out by resolution. He asked whether the committee would give another DO PASS if the Rules Committee gives a favorable decision. It was moved, seconced and carried that if the resolution is approved by the Rules Committee that it DO PASS.

On motion the meeting adjourned.

Wm. H. Bertsche
Chairman

Doris Cox, Secretary

This amendment to H.B. 243 is for the express purpose to exempt, any, and all small exploration projects, operating in the state of Montana, for the purpose of developing mineral type veins or leads. When said veins and leads have been chemically tested, or by geology training, show promise of yielding valuable and much needed metals. "Egress and regress privileges allowed."

The exemption requested by this amendment to H.B.243 is all of that section or sections in part, pertaining, to permits, both application and operating, also bonding to secure the reclamation of land, by/or to all small exploration projects which are now operating, or that to come,

The method of exploration here mentioned will be executed entirely beneath the earths surface, by shaft or tunnel only, and not by open pit nor surface excavation.

To define the word small, will constitute the removal of aggregate, not to exceed, one hundred (100) tons in any 24 hours of given time period from the earths interior.

Five (5) acres of the earths surface will be deemed sufficient for storage and riddance of said aggregate not to be desired, being void of value, but in no wise shall said storage area affect the flow of, pollute, of contaminate any river or stream.

Protection for all life, both human and animal must be carefully considered, therefore, bulkheads must be installed as covering over shaft collars, plus closure such as doors on tunnel portals that will prevent entrance by unauthorized persons or things for public safety, while said project is left unguarded.

Failure to comply with the regulations stipulated in this amendment will constitute a misdemeanor, and this offense will subject the owners, and/or operators of said project to a fine of not less then ten dollars ($10.00) nor more than one hundred dollars ($100.00). Payable to the Board of Equalization of the state of Montana, or any board, commission, or person authorized to collect said fine.

Larry Ward

February 20, 1971

Sen. William H. Bertsche
Chairman, Natural Resources Committee
Montana State Senate
Helena, Montana

Dear Senator Bertsche:

House Bill 243 has a desirable intent but upon close scrutiny portions of it are unconstitutional. The bill is grossly restrictive toward persons engaged in exploration and mining. However, it allows non-mining groups to disturb the land without licenses or penalties. For example, road building is permitted by this bill for everyone except the persons engaged in exploration and mining, even on their own private land! (Section 3, paragraph 3) Square miles of our forests may be logged and desecrated by road building and timber cutting, but the small mining company or private exploration concern cannot work their own small acreages without undue restrictions. Even "rockhounds" must be licensed to pursue their hobby! (Section 3, paragraph 6.)

In the business of exploration it is quite difficult to predict exactly what might be found in an area and exactly how much might be found. It is also very difficult to predict the shape of an orebody or exactly what methods of exploration are to be used, yet this bill requires that much of this exploration data be filed in a detailed plan with a state agency before the work is to be done! If most of these items were known, exploration would not be necessary.

Our country is in dire need of many non-metallic and metallic minerals to build the tools and machines necessary for the advancement of our society. If the search for raw materials is restricted, as proposed in HB 243, our standard of living will be lowered and our country will suffer.

This proposed legislation, if passed, will cost the taxpayers quite a bit of money to fully enforce the provisions of this bill. The salaries of enforcement and clerical personnel will have to be added to the tax rolls.

This bill should be amended in such a manner so as to narrow its scope and to eliminate its grossly restrictive clauses.

Respectfully submitted,

Willard E. Cox

Willard E. Cox
501 W. Granite St.
Butte, Montana
Certified Professional Geologist
(American Institute of Professional Geologists
Certification Number #321)

CHAPTER NO. 252.

An Act Requiring the Licensing of Persons Engaged in Mining Exploration and Related Activities; Requiring Permits for the Conduct of Development, Mining and Related Activities; Providing for the Reclamation of Explored, Developed, and Mined Land; Providing for the Administration and Enforcement of Said Act by the Board of State Lands and Investments; and Providing for an Appeal Procedure; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Statement on mining and reclamation.

Section 1. The extraction of mineral by mining is a basic and essential activity making an important contribution to the economy of the state and the nation. At the same time, proper reclamation of mined land and former exploration areas not brought to mining stage is necessary to prevent undesirable land and surface water conditions detrimental to the general welfare, health, safety, ecology, and property rights of the citizens of the state. Mining and exploration for minerals takes place in diverse areas where geological, topographical, climatic, biological and sociological conditions are significantly different, and reclamation specifications must vary accordingly. It is not practical to extract minerals or explore for minerals required by our society without disturbing the surface or subsurface of the earth and without producing waste materials, and the very character of many types of mining operations precludes complete restoration of the land to its original condition.

Finding of legislature land reclamation.

The legislature finds that land reclamation as provided in this act will allow exploration for and mining of valuable minerals while adequately providing for the subsequent beneficial use of the lands to be reclaimed.

Purpose— reclamation of mined lands to beneficial use.

Section 2. The purposes of this act are to provide: (i) that the usefulness, productivity and scenic values of all lands and surface waters involved in mining and mining exploration within the boundaries and lawful jurisdiction of the state will receive the greatest reasonable degree of protection and reclamation to beneficial use; (ii) authority for cooperation between private and governmental entities in carrying this act into effect; (iii) for the recognition of the recreational and aesthetic values of land as a benefit to the state of Montana; and

(iv) priorities and values to the aesthetics of our landscape, waters and ground cover. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish, on a continuing basis, the vegetative cover, soil stability, water condition and safety condition appropriate to any proposed subsequent use of the area.

Definitions.

Section 3. As used in this act, unless the context indicates otherwise: (1) "Surface mining" shall mean and include all or any part of the process involved in mining of minerals by removing the overburden and mining directly from the mineral deposits thereby exposed, including, but not limited to, open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and any and all similar methods by which earth or minerals exposed at the surface are removed in the course of mining. Surface mining shall not include the extraction of oil, gas, bentonite, clay, coal, sand, gravel, phosphate rock, or uranium nor excavation or grading conducted for on-site farming, on-site road construction, or other on-site building construction.

"Surface mining."

"Unit of surface mined area."

(2) "Unit of surface mined area" shall mean and include that area of land and surface water included within an operating permit actually disturbed by surface mining during each twelve-month period of time, beginning at the date of the issuance of the permit, and shall comprise and include the area from which overburden and/or minerals have been removed, the area covered by mining debris, and all additional areas used in surface mining or underground mining operations which, by virtue of such use, are thereafter susceptible to erosion in excess of the surrounding undisturbed portions of land.

"Disturbed land."

(3) "Disturbed land" shall mean and include that area of land or surface water disturbed, beginning at the date of the issuance of the permit, and shall comprise that area from which the overburden, and/or minerals have been removed; tailings ponds, waste dumps, roads, conveyor systems, leach dumps, and all similar excavations or covering resulting from said operation and which has not been previously reclaimed under the reclamation plan.

"Abandonment of surface or underground mining."

(4) "Abandonment of surface or underground mining" may be presumed when it is shown that continued operation will not resume.

"Underground mining."

(5) "Underground mining" shall mean and include all methods of mining other than surface mining.

"Person."

(6) "Person" shall mean and include any person, corporation, firm, association, partnership or other legal entity engaged in exploration for or development or mining of minerals on or below the surface of the earth.

"Mineral."

(7) "Mineral" shall mean and include any ore, rock or substance, other than oil, gas, bentonite, clay, coal, sand, gravel, phosphate rock or uranium, taken from below the surface or from the surface of the earth for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or processing or for stockpiling for future usage, refinement or smelting.

"Exploration."

(8) "Exploration" shall mean and include all activities conducted on or beneath the surface of lands resulting in material disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and economic viability of mineralization in those lands, if any, other than mining for production and economic exploitation, as well as all roads made for the purpose of facilitating exploration, except as noted in section 20 and section 24 herein.

"Development."

(9) "Development" shall mean and include all operations between exploration and mining.

"Mining."

(10) "Mining" shall be deemed to have commenced at such time as the operator shall first mine ores or minerals in commercial quantities for sale, benefication, refining, or other processing or disposition or shall first take bulk samples for metallurgical testing in excess of aggregate of ten thousand (10,000) short tons.

"Reclamation plan."

(11) "Reclamation plan" shall mean and include the operator's written proposal, as required and approved by the board for reclamation of the land that will be disturbed, which proposal shall include to the extent practical at the time of application for a developing or operating permit: (a) a statement of the proposed subsequent use of the land after reclamation;

Subsequent use.

Surface restoration.

(b) Plans for surface gradient restoration to a surface suitable for the proposed subsequent use of the land

after reclamation is completed, and proposed method of accomplishment;

Revegetation.

(c) Manner and type of revegetation or other surface treatment of disturbed areas;

Avoidance of damage.

(d) Procedures proposed to avoid foreseeable situations of public nuisance, endangerment of public safety, damage to human life or property, or unnecessary damage to flora and fauna in or adjacent to the area;

Debris.

(e) Method of disposal of mining debris;

Diversion of waters.

(f) Method of diverting surface waters around the disturbed areas where necessary to prevent pollution of such waters or unnecessary erosion;

Streams.

(g) Method of reclamation of stream channels and stream banks to control erosion, siltation, and pollution;

Maps.

(h) Such maps and other supporting documents as may be reasonably required by the director;

Time schedule.

(i) A time schedule for reclamation that meets the requirements of section 9 of this act.

"Vegetative cover."

(12) "Vegetative cover" as used in this act shall mean the type of vegetation, grass, shrubs, trees, or any other form of natural cover deemed suitable at time of reclamation.

"Board."

(13) "Board" shall mean the Board of State Lands and Investments, or such state employee or state agency as may succeed to its powers and duties under this act.

"Director." "Administrator."

(14) "Director" or "administrator" shall mean the director of the Board of State Lands and Investments.

"Small miner."

(15) "Small miner" shall mean any person, firm or corporation engaged in the business of mining who does not remove from the earth during any twenty-four (24) hour period material in excess of one hundred (100) tons in the aggregate.

Duty of administration.

Section 4. The board is charged with the responsibility of administering this act. In order to implement its terms and provisions, the board shall from time to time promulgate such rules and regulations as the board shall deem necessary. The board may delegate such powers, duties and functions to its director and staff members as it

Rules.

Delegation to director.

Board shall employ supervisors.

deems necessary for the performance of its duties as administrator of ithis act. The board shall employ experienced, qualified persons in the field of mined land reclamation, who for the purpose of this act, are hereinafter referred to as supervisors.

Investigations, research, experiments.

Information.

Section 5. The board shall have the authority to conduct or authorize investigations, research, experiments and demonstrations in reclamation and to collect and disseminate non-confidential information relating to mining.

Cooperation with other agencies.

Use of funds and grants.

Section 6. The board shall cooperate with other governmental and private agencies in this state and other states and agencies of the federal government, and may reasonably compensate them for any services the board requests that they provide. The board may receive federal funds, state funds, and any other funds and, within the limits imposed by the grant, expend them for reclamation of land affected by mining or exploration and for purposes enumerated in section 9 of this act.

Exploration license required.

Annual renewal.

Section 7. (1) Effective sixty (60) days after the date on which the board shall first promulgate its regulations as authorized by section 4 of this act, no person shall engage in exploration or development in the state without first obtaining an exploration license or development permit from the board to do so, such license or permit to be issued for a period of one (1) year from date of issue and to be renewable from year to year on application therefor filed at any time within thirty (30) days next preceding the expiration of the current license or permit and payment of like fee as required for a new license or permit; provided that the applicant for renewal is not then held by the board to be in violation of any provision of this law.

Fee $5.

Agreement to reclaim surface.

Operating permit.

Not in default.

(2) An exploration license shall be issued to any applicant therefor who shall: (i) pay a fee of five dollars ($5) to the board; (ii) agree to reclaim any surface area damaged by the applicant during exploration operations, all as may be reasonably required by the board, unless the applicant shall have applied for and been issued a development or operating permit for the lands so damaged; and (iii) not be in default of any other reclamation obligation under this law.

Nondisclosure of area.

(a) Except as hereafter provided, the holder of such

license shall not be compelled to disclose the area of his exploration operations, except where charged with a delinquency in performing reclamation obligations hereunder.

Copies of certificate of claim location to board.

(b) Upon filing of any certificate of claim location as permitted by federal and state mining laws and regulations, the locator shall provide copies of said certificates to the board.

Development permit requirements.

(3) A development permit shall be issued to any applicant therefor that shall meet the following requirements:

Fee $25.

(a) Payment of twenty-five dollars ($25) fee to the board;

Description.

(b) Submit a description of the area within which development is to be conducted;

Map.

(c) Submit a suitable map or aerial photograph showing topographic, cultural and drainage features;

Development methods.

(d) Submit a statement of proposed development methods, i.e., drilling, trenching, etc., and the location of primary support roads and facilities;

Estimate of disturbed acreage.

Map.

Order to increase bond.

(e) Submit an estimate of the acreage expected to be disturbed in the twelve (12) months following issue of the permit, together with a map of the general area of the development operations for a like period. If the board shall, on good cause, consider the operator's estimate of the quantity of surface to be disturbed to be more than twenty percent (20%) below what the board considers correct in the circumstances, it may by order require the operator to increase the amount of his bond accordingly.

Reclamation plan.

(f) Submit a proposed reclamation plan for lands to be disturbed in the next twelve (12) months.

Affidavit of reclaiming.

(g) Submission of an affidavit as may be required by the board showing that any lands disturbed by exploration, development, or mining in the state of Montana by applicant within two years prior to the application for said permit is or is in course of being reclaimed in accordance with the provisions of this act; or submission of an affidavit and such supporting documents and evidence as may be required by the board showing that any lands disturbed by exploration, development, or mining by applicant in the state of Montana during the two

(2) years prior to the application for said permit will be restored in accordance with the provisions of this act.

Performance bond.

(4) Following approval of a development plan, the operator shall be required to file a performance bond in accordance with provisions of this act.

Employees covered.

(5) Employees of persons holding a valid license or permit under this act shall be deemed included in and covered by such license or permit.

Application for waiver.

(6) Upon proper application by the holder of an exploration license or development permit, the board may excuse such holder from reclamation obligations with reference to any specified openings or excavations exposing geological indications or phenomena of especial interest, even though the licensee does not apply or have any intention to apply for development license or operating permit for the land in which such openings or excavations have been made.

Operating permit required.

Section 8. (1) Effective sixty (60) days after the date on which the board shall first promulgate its regulations as authorized by section 4 of this act, no person shall engage in mining in the state without first obtaining an operating permit from the board to do so. A separate operating permit shall be required for each mine complex. Any person, prior to receiving an operating permit from the board, must pay the basic permit fee of twenty-five dollars ($25) and must submit an application on a form provided by the board, which shall contain the following information and any other pertinent required data by the rules and regulations:

Fee $25.

Application.

Names and addresses.

(a) Name and address of the operator and, if a corporation or other business entity, the name and address of its principal officers, partners and the like and its resident agent for service of process, if required by law;

Minerals.

(b) Minerals expected to be mined;

Reclamation plan.

(c) A proposed reclamation plan;

Starting date.

(d) Expected starting date of mining;

Map.

(e) A map showing the specific area to be mined and the boundaries of the land which will be disturbed; topographic detail; the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area; location of proposed access roads to

be built and the names and addresses of the surface and mineral owners of all lands within the mining area, to the extent known to applicant;

Access roads.

(f) Types of access roads to be built and manner of reclamation of road sites on abandonment;

Plan of mining.

(g) A plan of mining which will provide, within limits of normal operating procedures of the industry, for completion of mining and associated land disturbances.

Reclamation plan requirements.

Section 9. (a) The reclamation plan shall provide that reclamation activities, particularly those relating to control of erosion, shall, to the extent feasible, be conducted simultaneously with mining and in any case shall be initiated promptly after completion or abandonment of mining on those portions of the mine complex that will not be subject to further disturbance by the mining operation. In the absence of an order by the board providing a longer period, the plan shall provide that reclamation activities shall be completed not more than two (2) years after completion or abandonment of mining on said portion of mine complex.

Control of erosion conducted with mining.

Completion.

Emergencies.

Approval of change.

(b) In the absence of emergency or suddenly threatened or existing catastrophe (sic), an operator may not depart from an approved plan without having previously obtained from the supervisor or director written approval of his proposed change.

Stagnant water control.

(c) Provision shall be made to avoid accumulation of stagnant water in the mined area which may serve as a host or breeding ground for mosquitoes or other disease-bearing or noxious insect life.

Final grading.

(d) All final grading shall be made with non-noxious, nonflammable, noncombustible solids unless approval has been granted by the board for a supervised sanitary fill.

Open pit.

(e) Where mining has left an open pit exceeding two (2) acres of surface area, and composition of the floor and/or walls of which pit are likely to cause formation of acid, toxic, or otherwise pollutive solutions (hereinafter "objectional effluents") on exposure to moisture, the reclamation plan must include provisions which adequately provide for:

Insulation from moisture.

(1) Insulation of all faces from moisture of water

contact by covering to a depth of two (2) feet or more with material or fill not susceptible itself to generation of such objectionable effluents; or

Processing of objectionable effluents.

(2) Processing of any such objectionable effluents in the pit before their being allowed to flow or be pumped out of it to reduce toxic or other objectionable ratios to a level deemed safe to humans and the environment by the board; or

Treatment basins.

(3) Drainage of any such objectionable effluents to settling or treatment basins wherein the objectionable effluents must be reduced to levels deemed safe by the board before release from the settling basin; or

Evaporation.

(4) Absorption and/or evaporation of objectionable effluents in the open pit itself; and

Prevention of entrance.

(5) Prevention of entrance into the open pit by persons or livestock lawfully upon adjacent lands by fencing, warning signs, and such other devices as may reasonably be required by the board.

Vegetative cover.

(f) Vegetative cover will be required in the reclamation plan if appropriate to the future use of the land as specified in the reclamation plan.

Reclamation of disturbed land.

(g) To the extent practical, the reclamation plan shall provide for the reclamation of all disturbed land. Proposed reclamation need not reclaim the areas to a better condition or different use than that which existed prior to development or mining.

Approval by board.

(h) A reclamation plan will be approved by the board if it adequately provides for the accomplishment of the activities heretofore specified.

Mining site inspection.

Decision of board within 35 days.

Section 10. Upon receipt of an application for an operating permit the mining site shall be inspected by a supervisor. Within thirty-five (35) days of receipt of the application and reclamation plan by the board and receipt of the permit fee, the board shall either issue an operating permit to the applicant or return any incomplete or inadequate application to the applicant along with a description of the deficiencies. Failure of the board to so act within that period shall constitute approval of the application and the permit shall be issued promptly thereafter.

Term of permit.

Validity.

Modification.

Notice.

Hearing.

Reasons.

The operating permit shall be granted for the period required to mine the land covered by the plan and shall be valid until the surface or underground mining authorized by the permit is completed or abandoned, unless the permit is suspended by the board as provided in this act. The operating permit shall provide that the reclamation plan may be modified by the board, upon proper application of the permittee, after timely notice and opportunity for hearing, at any time during the term of the permit and for any of the following reasons:

(a) To modify the requirements so they will not conflict with existing laws:

(b) The previously adopted reclamation plan is impossible or impracticable to implement and maintain;

(c) The operator and the supervisor mutually agreed, in the field, to temporarily modify the reclamation plan, pending final approval by the board.

Successor in interest.

Release of first operator.

Compliance.

Assumption of duty to reclaim.

Transfer of permit.

When one (1) operator succeeds to the interest of another in any uncompleted mining operation by sale, assignment, lease, or otherwise, the board may release the first operator from the duties imposed upon him by this act as to such operation; provided, that both operators have complied with the requirements of this act and the successor operator assumes the duty of the former operator to complete the reclamation of the land, in which case the board shall transfer the permit to the successor operator upon approval of the successor operator's bond as required under this act.

Acceptable sureties.

Section 11. Concurrently with issue of a permit, the board may provide the permittee with a list of corporate sureties acceptable to the board from whom the performance bond hereafter required can be obtained.

Deposit of performance bond.

Corporate surety bond.

Requirements.

Upon receipt of a permit the permittee, other than a public or governmental agency, shall not commence operation until the permittee has deposited with the board an acceptable performance bond on forms prescribed and furnished by the board. This performance bond shall be a corporate surety bond executed in favor of the board by a corporation authorized to do a surety business in the state of Montana and approved by the board. The bond shall be filed and maintained in an amount equal to the estimated cost of completing the reclamation plan

for the area to be developed or mined during the next twelve (12) month period and any previously developed or mined area for which a permit has been issued and on which the reclamation has not been satisfactorily completed and approved. The board shall have the authority to determine the amount of the bond that shall be required, and may refuse any bond not deemed adequate. In no case shall the amount of the bond be more than five hundred dollars ($500) per acre of the area above described or fraction thereof.

Amount.

Maximum $500 per acre.

Conditions.

The bond shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations adopted pursuant thereto.

Deposits in lieu of bond.

In lieu of the surety bond required by this section, the permittee may file with the board a cash deposit, negotiable securities acceptable to the board, or an assignment of a savings account in a Montana bank on an assignment form prescribed by the board.

Liability under bond until reclamation.

Liability under the bond shall be maintained as long as reclamation is not completed in compliance with the approved reclamation plan unless released prior thereto as hereinafter provided. Liability under the bond may be released only upon written notification from the board. Notification shall be given upon completion of compliance or acceptance by the board of a substitute bond. In no event shall the liability of the permittee or surety exceed the amount of the surety bond required by this section.

Release by board.

Limitation on liability.

Exemption.

A public or governmental agency shall not be required to post a bond under the terms of this chapter.

Blanket bond.

A blanket performance bond covering two (2) or more operations may be accepted by the board in lieu of separate bonds for each separate operation.

Suspension of bond obligation.

If adequate proof exists that a bond is unobtainable for any reason other than lack of fiscal responsibility on the operator's part from any source, the licensee's obligation to supply such bond shall be suspended until such time as a source for bonding is obtained.

Exemption.

Certificate that disturbed land will not exceed 5 acres.

Notwithstanding the foregoing, an applicant for a permit who shall, as part of his application, submit his duly acknowledged certificate that he will not, in the course

of his entire operations in the state of Montana, exceed five (5) acres in aggregate of disturbed land unreclaimed, shall not be required to show financial capability to procure a performance bond as required by this section or thereafter to procure a corporate surety bond or make any in lieu deposit with the board therefor. Relief from such surety requirements shall in no wise relieve the permittee from any direct reclamation obligations hereunder. On acceptable showing of hardship on the part of an applicant, the board may relieve any permittee within the classification first described in this paragraph from such technical showings under sections 3 (11) and 8 which the board considers may be waived without injury to the interest of the public.

Hardship waiver.

Section 12. Within thirty (30) days after completion or abandonment of operations on an area under permit or within thirty (30) days after each anniversary date of the permit, whichever is earlier, or at such later date as may be provided by rules and regulations of the board and each year thereafter until reclamation is completed and approved, the permittee shall pay the annual fee of twenty-five dollars ($25) and shall file a report of activities completed during the preceding year on a form prescribed by the board, which report shall:

Within 30 days.

Annual fee $25.

Report of activities to board—requirements.

(a) Identify the permittee and the permit number;

(b) Locate the operation by subdivision, section, township and range, and with relation to the nearest town or other well-known geographic feature;

(c) Estimate acreage to be newly disturbed by operation in the next twelve (12) month period; and

(d) Update any maps previously submitted or specifically requested by the board. Such maps shall show:

(1) The permit area;

(2) The unit of disturbed land;

(3) The area to be disturbed during the next twelve (12) month period;

(4) If completed, the date of completion of operations;

(5) If not completed, the additional area estimated to be further disturbed by the operation within the following permit year; and

(6) The date of beginning, amount and current status of reclamation performed during the previous twelve (12) months.

Inspection of permit area.

Section 13. Following receipt of the permittee's report, and at any other reasonable time the board may elect, the board shall cause the permit area to be inspected to determine if the permittee has complied with the reclamation plan and the board's rules and regulations.

Notice of deficiencies.

Correction.

Board may grant extensions.

The permittee shall proceed with reclamation as scheduled in his approved reclamation plan. Following written notice by the board noting deficiencies, the permittee shall commence action within thirty (30) days to rectify these deficiencies and shall diligently proceed until the deficiencies are corrected; provided, that deficiencies that also violate other laws that require earlier rectification shall be corrected in accordance with the applicable time provisions of such laws. The board may extend performance periods referred to in this section and in section 9 of this act, for delays clearly beyond the permittee's control, but only when the permittee is, in the opinion of the board, making every reasonable effort to comply.

Notice of proper reclamation.

Release of bond.

Within thirty (30) days after notification by the permittee and when in the judgment of the board reclamation of a unit of disturbed land area is properly completed, the permittee shall be notified in writing and his bond on said area shall be released or decreased proportionately to the acreage included within the bond coverage.

On failure to perform.

Board action.

Bids.

If reclamation of disturbed land is not pursued in accordance with the reclamation plan and the permittee has not commenced action to rectify deficiencies within thirty (30) days after notification by the board, or if reclamation is not properly completed in conformance with the reclamation plan within two (2) years after completion or abandonment of operation on any fraction of the permit area, or such longer period as may have been authorized hereunder, or if, after default by the permittee, the surety either refuses or fails to perform the work to the satisfaction of the board within the time required therefor, the board may, with the staff, equipment and material under its control, or by contract with others, take such actions as are necessary for required reclamation of the disturbed lands. Such work

Record of costs.

shall be let on the basis of competitive bidding. The board shall keep a record of all neeessary expenses incurred in carrying out the work or activity authorized under this section, including a reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized.

Notice to permittee and surety of amount due.

The board shall notify the permittee and his surety by order. The order shall state the amount of necessary expenses incurred by the board in reclaiming the disturbed land and a notice that the amount is due and payable to the board by the permittee and the surety. If the amount specified in the order is not paid within thirty (30) days after receipt of the notice, the attorney general, upon request of the board, shall bring an action on behalf of the state in district court. The surety shall be liable to the state to the extent of the bond.

Attorney general shall bring action.

Failure to perform.

In addition to the other liabilities imposed by this act, failure to commence action to remedy specific deficiencies in reclamation within thirty (30) days after notification by the board or failure to satisfactorily complete reclamation work on any segment of the permit area within two (2) years, or such longer period as the board may permit on permittee's application therefor, or on the board's own motion, after completion or abandonment of operations on any segment of the permit area shall constitute sufficient grounds for cancellation of a permit or license and refusal to issue another permit or licensee to the applicant; provided, however, that such action shall not be effected while an appeal is pending from any ruling requiring the same.

Cancellation of permit or license.

Permits denied for cause.

Section 14. A permit may be denied for any of the following reasons:

(a) The plan of development, mining, or reclamation conflicts with the state water and air purification standards;

(b) The reclamation plan does not provide an acceptable method for accomplishment of reclamation as required by this act.

A denial of a permit shall be in writing and state the reasons therefor.

Denial and resubmission.

Section 15. A permit may be denied and returned to the applicant with a request that the application be resubmitted with a different plan for reclamation. The person making application for a permit may then resubmit to the board a new plan for reclamation.

Right of appeal.

Appeals board.

Section 16. A licensee, permittee or applicant who has been aggrieved by any decision of the board shall have the right of appeal to an appeals board comprised of the following: one (1) member of the fish and game department; two (2) qualified mining engineers to be appointed by the governor, at least one (1) of whom shall not be an employee of the state or any agency or arm thereof; one (1) member from the state department of agriculture; one (1) member of the department of health; and one (1) member from the state department of planning and economic development; and one (1) member from the legal staff of the attorney general.

Petition within 30 days after denial.

Notice.

Hearing.

The appeal shall be instituted by filing a petition with the appeals board within thirty (30) days after the denial of the permit. The petition shall contain a statement of the reasons for which the petitioner is aggrieved, and after reasonable notice the petitioner or his attorney or agent shall be afforded a hearing before the appeals board thereon.

Decision within 15 days.

Within fifteen (15) days after the hearing, the appeals board shall notify the petitioner in writing of its decision and the reasons therefor.

Right to judicial review.

Petition to district court within 30 days.

Service.

Section 17. A licensee, permittee or applicant aggrieved by a final decision of the appeals board is entitled to judicial review under this act. Proceedings for review shall be instituted by filing a petition in a district court within thirty (30) days after service of the final decision of the appeals board. Copies of the petition shall be promptly served upon the appeals board and all parties of record.

Petition requirements.

The petition shall include a concise statement of the facts upon which jurisdiction and venue are based, a statement of the manner in which the petitioner is aggrieved and the ground or grounds upon which the petitioner contends he is entitled to relief. The petition shall demand the relief to which the petitioner believes he is entitled.

Transmittal of record.

Stipulation.

Costs.

Within thirty (30) days after the service of the petition, or within further time allowed by the court, the appeals board shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

Additional evidence.

If, before the date set for hearing, application is made to the court by the appellant for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the appeals board, the court may order that the additional evidence be taken before the court.

Review by court without jury.

The review shall be conducted by the court without a jury, and shall be confined to the administrative and court record. In cases of alleged irregularities in procedure before the appeals board, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

Court decision.

The court shall not substitute its judgment for that of the appeals board as to the weight of evidence on questions of fact. The court may affirm the decision of the appeals board or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the findings, inferences, conclusions, decisions or proceedings were: (a) in violation of constitutional or statutory provisions;

Grounds for reversal or modification.

(b) In excess of the statutory authority of the director, board, or the appeals board;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, including the additional evidence introduced before the court as above provided;

(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or

(g) Because findings of fact, upon issues essential to the decisions, were not made although requested.

Appeal to supreme court within 60 days.

Section 18. An aggrieved party may obtain review of a final judgment of a district court under this act by appeal to the supreme court within sixty (60) days after entry of judgment. Such appeal shall be taken in the manner provided by law for appeals from district courts in civil cases.

Exemption.

Section 19. No provision of this act shall be applicable to any exploration or mining work performed prior to the date of promulgation of the director's rules and regulations pursuant to section 4 of this act.

Small miner exempt on agreement.

Section 20. No provisions of this act shall apply to any small miner when the small miner agrees in writing, (1) That he shall not pollute or contaminate any stream; and

(2) That he shall provide protection for human and animal life through the installation of bulkheads installed over safety collars and the installation of doors on tunnel portals; and

(3) He shall not conduct a mining operation which will result in more than five (5) acres of the earth's surface being disturbed and unreclaimed.

Penalties for violations.

Failure to comply with the regulations stipulated in this section will constitute a misdemeanor, and this offense will subject the owners, and/or operators of said project to a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100), payable to the board of equalization of the state of Montana, or any board, commission, or person authorized to collect said fine.

Confidential information.

Admissibility as evidence.

Section 21. Any and all information obtained by the board or by the director or his staff by virtue of applications for licenses or permits is confidential between the board and the applicant. Any information obtained by the board or by the director or his staff by virtue of applications for licenses or permits is, however, properly admissible in any hearing conducted by the director,

the board, appeals board or in any judicial proceeding to which the director and the applicant are parties. Failure to comply with the secrecy provisions of this act shall be punishable by a fine of up to ten thousand dollars ($10,000) or one (1) year in jail.

Penalties.

Penalties.

Section 22. Persons violating the provisions of this act shall be guilty of a misdemeanor and may be punished by a fine of not more than one thousand dollars ($1,000) or imprisonment in the county jail for not more than six (6) months or by both such penalties.

Certain federal lands exempt.

Section 23. This act shall not be applicable to operations on certain federal lands as specified by the board, provided it is first determined by the board that federal law, or regulations issued by the federal agency administering such land, impose controls for reclamation of said lands substantially equal to or greater than those imposed by this act.

Section 24. This act shall not be applicable to any person or persons collecting rock samples as a hobby or when the collection of rocks and minerals is offered for sale in any amount not exceeding one hundred dollars ($100) per year.

Severability clause.

Section 25. Severability. The provisions of this act are severable, and if any part or provision thereof shall be held void in decision of the court so holding shall not affect or impair any of the remaining parts of the provisions of this act that are severable from the invalid applications.

Effective immediately.

Section 26. This act is effective on its passage and approval.

Approved March 9, 1971

CHAPTER NO. 253

An Act to Amend Section 32-2148, R.C.M. 1947, Eliminating the Fifty (50) Mile Per Hour Speed Limit for Trucks Over Eight Thousand (8,000) Pounds, and Providing a Speed Limit for Such trucks at Sixty-Five (65) Miles Per Hour on Interstate and Four-Lane Highways and Sixty (60) Miles Per Hour on Primary and Secondary Highways.